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FILED

KEN BENNETT

SECRETARY OF STATE

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CHAPTER 3

SENATE BILL 1003

AN ACT

AMENDING SECTIONS 5-113, 5-504, 5-522, 10-122, 10-122.01, 28-3002, 33-812 AND 41-3506, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-1116.01; AMENDING SECTIONS 42-5031, 44-302, 44-313, 44-1861, 44-2039, 48-4202, 48-4203, 48-4204 AND 48-4231, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 26, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-4231.01 AND 48-4231.02; REPEALING LAWS 2008, CHAPTER 291, SECTION 12; MAKING APPROPRIATIONS; RELATING TO REVENUE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-113, Arizona Revised Statutes, is amended to
3 read:

4 5-113. Disposition of revenues and monies; funds; committee

5 A. All revenues derived from permittees, permits and licenses, as
6 provided by this article, and all monies transferred pursuant to section
7 44-313, subsection A shall be deposited, pursuant to sections 35-146 and
8 35-147, or distributed as follows IN THE STATE GENERAL FUND. :-

9 1. ~~One million two hundred thousand dollars or twenty two per cent,~~
10 ~~whichever is less, shall be deposited in the Arizona county fairs racing~~
11 ~~betterment fund established by subsection B of this section.~~

12 2. ~~One million eight hundred thousand dollars or thirty three per~~
13 ~~cent, whichever is less, shall be deposited in the county fairs livestock and~~
14 ~~agriculture promotion fund established by subsection C of this section.~~

15 3. ~~One million two hundred thousand dollars or twenty two per cent,~~
16 ~~whichever is less, shall be deposited in the Arizona breeders' award fund~~
17 ~~established by subsection F of this section.~~

18 4. ~~Sixty thousand dollars or one per cent, whichever is less, shall be~~
19 ~~deposited in the Arizona stallion award fund established by subsection G of~~
20 ~~this section.~~

21 5. ~~Four hundred fifty thousand dollars or nine per cent, whichever is~~
22 ~~less, shall be deposited in the county fair racing fund established by~~
23 ~~subsection I of this section.~~

24 6. ~~One per cent of the revenues and monies shall be deposited in the~~
25 ~~agricultural consulting and training fund established by subsection J of this~~
26 ~~section.~~

27 7. ~~Sixty seven thousand dollars or one per cent, whichever is less,~~
28 ~~shall be subject to legislative appropriation to the department for~~
29 ~~administration of the Arizona county fairs racing betterment fund, the~~
30 ~~Arizona breeders' award fund, the Arizona stallion award fund and the~~
31 ~~greyhound adoption fund. Monies that are distributed pursuant to this~~
32 ~~paragraph and that remain unspent at the end of a fiscal year do not revert~~
33 ~~to the state general fund.~~

34 8. ~~Four hundred thousand dollars or eleven per cent, whichever is~~
35 ~~less, shall be deposited in the Arizona exposition and state fair fund~~
36 ~~established by section 3-1005 for the purpose of capital outlay.~~

37 9. ~~Any revenues and monies that are not distributed pursuant to~~
38 ~~paragraphs 1 through 8 of this subsection at the end of a fiscal year shall~~
39 ~~be deposited in the state general fund.~~

40 B. The Arizona county fairs racing betterment fund is established
41 under the jurisdiction of the department. The department shall distribute
42 monies from the fund to the county fair association or county fair racing
43 association of each county conducting a county fair racing meeting in such
44 proportion as the department deems necessary for the promotion and betterment
45 of county fair racing meetings. All expenditures from the fund shall be made

1 upon claims approved by the department. In order to be eligible for
2 distributions from the fund, a county fair association must provide the
3 department with an annual certification in the form required by the
4 department supporting expenditures made from the fund. Balances remaining in
5 the fund at the end of a fiscal year do not revert to the state general fund.

6 C. The county fairs livestock and agriculture promotion fund is
7 established under the control of the governor and shall be used for the
8 purpose of promoting the livestock and agricultural resources of the state
9 and for the purpose of conducting an annual Arizona national livestock fair
10 by the Arizona exposition and state fair board to further promote livestock
11 resources. The direct expenses less receipts of the livestock fair shall be
12 paid from this fund, but such payment shall not exceed thirty per cent of the
13 receipts of the fund for the preceding fiscal year. Balances remaining in
14 the fund at the end of a fiscal year do not revert to the state general fund.
15 All expenditures from the fund shall be made upon claims approved by the
16 governor, as recommended by the livestock and agriculture committee, for the
17 promotion and betterment of the livestock and agricultural resources of this
18 state. The livestock and agriculture committee is established and shall be
19 composed of the following members, at least three of whom are from counties
20 that have a population of less than five hundred thousand persons, appointed
21 by the governor:

- 22 1. Three members representing county fairs.
- 23 2. One member representing Arizona livestock fairs.
- 24 3. One member representing the university of Arizona college of
25 agriculture.
- 26 4. One member representing the livestock industry.
- 27 5. One member representing the farming industry.
- 28 6. One member representing the governor's office.
- 29 7. One member representing the Arizona state fair conducted by the
30 Arizona exposition and state fair board.
- 31 8. One member representing the general public.

32 D. The governor shall appoint a chairman from the members. Terms of
33 members shall be four years.

34 E. Members of the committee are not eligible to receive compensation
35 but are eligible to receive reimbursement for expenses pursuant to title 38,
36 chapter 4, article 2.

37 F. The Arizona breeders' award fund is established under the
38 jurisdiction of the department. The department shall distribute monies from
39 the fund to the breeder, or the breeder's heirs, devisees or successors, of
40 every winning horse or greyhound foaled or whelped in this state, as defined
41 by section 5-114, in a manner and in an amount established by rules of the
42 commission to protect the integrity of the racing industry and promote,
43 improve and advance the quality of race horse and greyhound breeding within
44 this state. The department may contract with a breeders' association to
45 provide data, statistics and other information necessary to enable the

1 department to carry out the purposes of this subsection. Persons who are not
2 eligible to be licensed under section 5-107.01 or persons who have been
3 refused licenses under section 5-108 are not eligible to participate in the
4 Arizona greyhound breeders' award fund. Balances remaining in the fund at
5 the end of a fiscal year do not revert to the state general fund. For the
6 purposes of this subsection, "breeder" means the owner or lessee of the dam
7 of the animal at the time the animal was foaled or whelped.

8 G. The Arizona stallion award fund is established under the
9 jurisdiction of the department to promote, improve and advance the quality of
10 stallions in this state. The department shall distribute monies from the
11 fund to the owner or lessee, or the owner's or lessee's heirs, devisees or
12 successors, of every Arizona stallion whose certified Arizona bred offspring,
13 as prescribed in section 5-114, finishes first, second or third in an
14 eligible race in this state. The department may contract with a breeders'
15 association to provide data, statistics and other information necessary to
16 enable the department to carry out the purposes of this subsection. Balances
17 remaining in the fund at the end of a fiscal year do not revert to the state
18 general fund. The commission shall adopt rules pursuant to title 41, chapter
19 6 to carry out the purposes of this subsection. The rules shall prescribe at
20 a minimum:

21 1. The manner and procedure for distribution from the fund, including
22 eligibility requirements for owners and lessees.

23 2. Subject to availability of monies in the fund, the amount to be
24 awarded.

25 3. The requirements for a stallion registered with the jockey club,
26 Lexington, Kentucky or with the American quarter horse association, Amarillo,
27 Texas to be certified as an Arizona stallion.

28 4. The types and requirements of races for which an award may be made.

29 H. The greyhound and retired racehorse adoption fund is established.
30 The department shall administer the fund and maintain separate accounts for
31 greyhound adoptions and retired racehorse adoptions. All revenues derived
32 from license fees collected from dog breeders, racing kennels and other
33 operations pursuant to section 5-104, subsection F, paragraphs 7, 8 and 9
34 shall be deposited, pursuant to sections 35-146 and 35-147, in the greyhound
35 adoption account of the fund. All revenues derived from retired racehorse
36 adoption surcharges collected pursuant to section 5-104, subsection G shall
37 be deposited, pursuant to sections 35-146 and 35-147, in the retired
38 racehorse adoption account of the fund. The department shall distribute
39 monies from the fund to provide financial assistance to nonprofit enterprises
40 approved by the commission to promote the adoption of former racing
41 greyhounds as domestic pets and to promote the adoption of retired racehorses
42 pursuant to section 5-104, subsection G in a manner and in an amount
43 established by rules of the commission. Balances remaining in the fund at
44 the end of a fiscal year do not revert to the state general fund.

1 I. The county fair racing fund is established. The department shall
2 administer the fund. ~~Subject to legislative appropriation,~~ MONIES IN THE
3 FUND ARE CONTINUOUSLY APPROPRIATED. The department shall use fund monies for
4 the administration of county fair racing. Any monies remaining unexpended in
5 the fund at the end of the fiscal year in excess of seventy-five thousand
6 dollars shall revert to the state general fund.

7 J. The agricultural consulting and training fund is established. The
8 Arizona department of agriculture shall administer the fund. ~~Subject to~~
9 ~~legislative appropriation,~~ MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.
10 The Arizona department of agriculture shall use monies in the fund for the
11 agricultural consulting and training program established by section 3-109.01.
12 Balances remaining in the fund at the end of a fiscal year do not revert to
13 the state general fund.

14 Sec. 2. Section 5-504, Arizona Revised Statutes, is amended to read:

15 5-504. Commission; director; powers and duties; definitions

16 A. The commission shall meet with the director not less than once each
17 quarter to make recommendations and set policy, receive reports from the
18 director and transact other business properly brought before the commission.

19 B. The commission shall oversee a state lottery to produce the maximum
20 amount of net revenue consonant with the dignity of the state. To achieve
21 these ends, the commission shall authorize the director to adopt rules in
22 accordance with title 41, chapter 6. Rules adopted by the director may
23 include provisions relating to the following:

24 1. Subject to the approval of the commission, the types of lottery
25 games and the types of game play-styles to be conducted.

26 2. The method of selecting the winning tickets or shares for
27 noncomputerized online games, except that no method may be used which, in
28 whole or in part, depends on the results of a dog race, a horse race or any
29 sporting event.

30 3. The manner of payment of prizes to the holders of winning tickets
31 or shares, including providing for payment by the purchase of annuities in
32 the case of prizes payable in installments, except that the commission staff
33 shall examine claims and may not pay any prize based on altered, stolen or
34 counterfeit tickets or based on any tickets which fail to meet established
35 validation requirements, including rules stated on the ticket or in the
36 published game rules, and confidential validation tests applied consistently
37 by the commission staff. No particular prize in a lottery game may be paid
38 more than once, and in the event of a binding determination that more than
39 one person is entitled to a particular prize, the sole remedy of the
40 claimants is the award to each of them of an equal portion of the single
41 prize.

42 4. The method to be used in selling tickets or shares, except that no
43 elected official's name may be printed on such tickets or shares. The
44 overall estimated odds of winning some prize or some cash prize, as
45 appropriate, in a given game shall be printed on each ticket or share.

1 5. The licensing of agents to sell tickets or shares, except that a
2 person who is under eighteen years of age shall not be licensed as an agent.

3 6. The manner and amount of compensation to be paid licensed sales
4 agents necessary to provide for the adequate availability of tickets or
5 shares to prospective buyers and for the convenience of the public, including
6 provision for variable compensation based on sales volume.

7 7. Matters necessary or desirable for the efficient and economical
8 operation and administration of the lottery and for the convenience of the
9 purchasers of tickets or shares and the holders of winning tickets or shares.

10 C. The commission shall authorize the director to issue orders and
11 shall approve orders issued by the director for the necessary operation of
12 the lottery. Orders issued under this subsection may include provisions
13 relating to the following:

14 1. The prices of tickets or shares in lottery games.

15 2. The themes, game play-styles, and names of lottery games and
16 definitions of symbols and other characters used in lottery games, except
17 that each ticket or share in a lottery game shall bear a unique
18 distinguishable serial number.

19 3. The sale of tickets or shares at a discount for promotional
20 purposes.

21 4. The prize structure of lottery games, including the number and size
22 of prizes available. Available prizes may include free tickets in lottery
23 games and merchandise prizes.

24 5. The frequency of drawings, if any, or other selections of winning
25 tickets or shares, except that:

26 (a) All drawings shall be open to the public.

27 (b) The actual selection of winning tickets or shares may not be
28 performed by an employee or member of the commission.

29 (c) Noncomputerized online game drawings shall be witnessed by an
30 independent observer.

31 6. Requirements for eligibility for participation in grand drawings or
32 other runoff drawings, including requirements for the submission of evidence
33 of eligibility within a shorter period than that provided for claims by
34 section 5-518.

35 7. Incentive and bonus programs designed to increase sales of lottery
36 tickets or shares and to produce the maximum amount of net revenue for this
37 state.

38 D. Notwithstanding title 41, chapter 6 and subsection B of this
39 section, the director, subject to the approval of the commission, may
40 establish a policy, procedure or practice that relates to an existing online
41 game or a new online game which is the same type and has the same type of
42 game play-style as an online game currently being conducted by the lottery or
43 may modify an existing rule for an existing online game or a new online game
44 which is the same type and has the same type of game play-style as an online
45 game currently being conducted by the lottery, including establishing or

1 modifying the matrix for an online game by giving notice of the establishment
2 or modification at least thirty days before the effective date of the
3 establishment or modification.

4 E. The commission shall maintain and make the following information
5 available for public inspection at its offices during regular business hours:

6 1. A detailed listing of the estimated number of prizes of each
7 particular denomination expected to be awarded in any instant game currently
8 on sale.

9 2. After the end of the claim period prescribed by section 5-518, a
10 listing of the total number of tickets or shares sold and the number of
11 prizes of each particular denomination awarded in each lottery game.

12 3. Definitions of all play symbols and other characters used in each
13 lottery game and instructions on how to play and how to win each lottery
14 game.

15 F. Any information that is maintained by the commission and that would
16 assist a person in locating or identifying a winning ticket or share or that
17 would otherwise compromise the integrity of any lottery game is deemed
18 confidential and is not subject to public inspection.

19 G. The commission, in addition to other games authorized by this
20 article, shall establish two special games for each year to be conducted
21 concurrently with other lottery games authorized under subsection B of this
22 section. The monies for prizes, for operating expenses and for payment to
23 the commerce and economic development commission fund, as provided in section
24 5-522, subsection A, paragraph 2, shall be accounted for separately as nearly
25 as practicable in the lottery commission's general accounting system. The
26 monies shall be derived from the revenues of the special games, and monies
27 for prizes do not become an expense to the lottery commission's annual
28 appropriation as provided in section 5-505, subsection D and section 5-522,
29 subsection ~~+~~ J. Monies saved from the revenues of the special games, by
30 reason of operating efficiencies, shall become other revenue of the lottery
31 commission and revert to the state general fund.

32 H. The commission, in addition to other games authorized by this
33 article, may establish multistate lottery games to be conducted concurrently
34 with other lottery games authorized under subsections B and G of this
35 section. The monies for prizes, for operating expenses and for payment to
36 the local transportation assistance fund, as provided in section 28-8101, and
37 the state general fund shall be accounted for separately as nearly as
38 practicable in the lottery commission's general accounting system. The
39 monies shall be derived from the revenues of multistate lottery games.

40 I. The commission or director shall not establish or operate any
41 online or electronic keno game or any game played on the internet.

42 J. The commission or director shall not establish or operate any
43 lottery game or any type of game play-style, either individually or in
44 combination, that uses gaming devices or video lottery terminals as those

1 terms are used in section 5-601.02, including monitor games that produce or
2 display outcomes or results more than once per hour.

3 K. The director shall print, in a prominent location on each lottery
4 ticket or share, a statement that help is available if a person has a problem
5 with gambling and a toll-free telephone number where problem gambling
6 assistance is available. The director shall require all licensed agents to
7 post a sign with the statement that help is available if a person has a
8 problem with gambling and the toll-free telephone number at the point of sale
9 as prescribed and supplied by the director. The requirements of this
10 subsection apply to tickets and shares printed after July 18, 2000.

11 L. For the purposes of this section:

12 1. "Game play-style" means the process or procedure that a player must
13 follow to determine if a lottery ticket or share is a winning ticket or
14 share.

15 2. "Matrix" means the odds of winning a prize and the prize payout
16 amounts in a given game.

17 Sec. 3. Section 5-522, Arizona Revised Statutes, is amended to read:
18 5-522. Use of monies in state lottery fund; report

19 A. The monies in the state lottery fund shall be expended only for the
20 following purposes and in the order provided:

21 1. For the expenses of the commission incurred in carrying out its
22 powers and duties and in the operation of the lottery.

23 2. For payment to the commerce and economic development commission
24 fund established by section 41-1505.10 of not less than twenty-one and
25 one-half per cent of the revenues received from the sale of two special
26 lottery games conducted for the benefit of economic development.

27 3. Except as provided in subsection F of this section, for payment to
28 the local transportation assistance fund established by section 28-8101 of
29 not less than nine million dollars, increasing each year that total revenues
30 to the state lottery fund increase up to a maximum of eighteen million
31 dollars each fiscal year, except that payments pursuant to this paragraph
32 shall not increase by more than ten per cent per year.

33 B. Of the monies remaining in the state lottery fund after the
34 appropriations authorized in subsection A of this section, up to a maximum of
35 twenty-three million dollars each fiscal year shall be deposited in the local
36 transportation assistance fund established by section 28-8101 and up to a
37 maximum of seven million six hundred fifty thousand dollars each fiscal year
38 shall be deposited in the county assistance fund established by section
39 41-175. Monies distributed pursuant to this subsection shall be in addition
40 to monies distributed pursuant to subsection A, paragraph 3 of this section.

41 C. Notwithstanding subsection B of this section, if the state lottery
42 director determines at the beginning of any fiscal year that monies available
43 to cities, towns and counties under this section may not equal thirty million
44 six hundred fifty thousand dollars, the director shall not authorize deposits

1 to the county assistance fund until the deposits to the local transportation
2 assistance fund equal twenty-three million dollars.

3 D. Of the monies remaining in the state lottery fund each fiscal year
4 after appropriations and deposits authorized in subsections A, B and C of
5 this section, ten million dollars shall be deposited in the Arizona state
6 parks board heritage fund established by section 41-502 and ten million
7 dollars shall be deposited in the Arizona game and fish commission heritage
8 fund established by section 17-297.

9 E. Of the monies remaining in the state lottery fund each fiscal year
10 after appropriations and deposits authorized in subsections A, B, C and D of
11 this section, and appropriations and deposits to the local transportation
12 assistance fund authorized by this section, five million dollars shall be
13 allocated to the department of economic security for the healthy families
14 program established by section 8-701, four million dollars shall be allocated
15 to the Arizona board of regents for the Arizona area health education system
16 established by section 15-1643, three million dollars shall be allocated to
17 the department of health services to fund the teenage pregnancy prevention
18 programs established in Laws 1995, chapter 190, sections 2 and 3, two million
19 dollars shall be allocated to the department of health services for the
20 health start program established by section 36-697, two million dollars shall
21 be deposited in the disease control research fund established by section
22 36-274 and one million dollars shall be allocated to the department of health
23 services for the federal women, infants and children food program. The
24 allocations in this subsection shall be adjusted annually according to
25 changes in the GDP price deflator as defined in section 41-563 and the
26 allocations are exempt from the provisions of section 35-190, relating to
27 lapsing of appropriations. If there are not sufficient monies available
28 pursuant to this subsection, the allocation of monies for each program shall
29 be reduced on a pro rata basis.

30 F. Notwithstanding subsection A, paragraph 3 of this section, if the
31 state lottery director determines that monies available to the state general
32 fund may not equal thirty-one million dollars in a fiscal year, the director
33 shall not authorize deposits to the local transportation assistance fund
34 pursuant to subsection A, paragraph 3 of this section until the deposits to
35 the state general fund equal thirty-one million dollars in a fiscal year.

36 G. Of the monies remaining in the state lottery fund each fiscal year
37 after appropriations and deposits authorized in subsections A through F of
38 this section, one million dollars or the remaining balance in the fund,
39 whichever is less, is appropriated to the department of economic security for
40 grants to nonprofit organizations, including faith based organizations, for
41 homeless emergency and transitional shelters and related support services.
42 The department of economic security shall submit a report on the amounts,
43 recipients, purposes and results of each grant to the governor, the speaker
44 of the house of representatives and the president of the senate on or before
45 December 31 of each year for the prior fiscal year and shall provide a copy

1 of this report to the secretary of state and the director of the Arizona
2 state library, archives and public records.

3 H. Beginning in fiscal year 2009-2010, of the monies remaining in the
4 state lottery fund each fiscal year after appropriations and deposits
5 authorized in subsections A through G of this section, and after a total of
6 at least forty-six million four hundred ninety thousand dollars has been
7 deposited in the state general fund, the remaining balance in the state
8 lottery fund shall be deposited in the university capital improvement
9 lease-to-own and bond fund established by section 15-1682.03, up to a maximum
10 of eighty per cent of the total annual payments of lease-to-own and bond
11 agreements entered into by the Arizona board of regents.

12 ~~I. Beginning in fiscal year 2009-2010, of the monies remaining in the~~
13 ~~state lottery fund each fiscal year after appropriations and deposits~~
14 ~~authorized in subsections A through H of this section, ten million dollars or~~
15 ~~the remaining balance in the fund, whichever is less, is appropriated to the~~
16 ~~department of environmental quality's water supply development fund line~~
17 ~~item.~~

18 ~~J. Beginning in fiscal year 2009-2010, of the monies remaining in the~~
19 ~~state lottery fund each fiscal year after appropriations and deposits~~
20 ~~authorized in subsections A through I of this section, three million dollars~~
21 ~~or the remaining balance in the fund, whichever is less, is appropriated to~~
22 ~~the community protection initiative fund established by section 37-641.~~

23 ~~K. I. All monies remaining in the state lottery fund after the~~
24 ~~appropriations and deposits authorized in this section shall be deposited in~~
25 ~~the state general fund.~~

26 ~~L. J. Except for monies expended for prizes as provided in section~~
27 ~~5-504, subsection G and section 41-1505.10, monies expended under subsection~~
28 ~~A of this section are subject to legislative appropriation.~~

29 Sec. 4. Section 10-122, Arizona Revised Statutes, is amended to read:

30 10-122. Filing, service and copying fees; expedited report
31 filing and access; same day and next day services;
32 posted wait times; advance monies; definition

33 A. The commission shall collect and deposit, pursuant to sections
34 35-146 and 35-147, the following nonrefundable fees when the documents
35 described in this subsection are delivered to the commission:

<u>Document</u>	<u>Fee</u>
1. Articles of incorporation	\$50
2. Application for use of indistinguishable name	10
3. Application for reserved name	10
4. Notice of transfer of reserved name	10
5. Application for registered name	10
6. Application for renewal of registered name	10
7. Agent's statement of resignation	10
8. Amendment of articles of incorporation	25

1	9. Restatement of articles of incorporation with	
2	amendment of articles	25
3	10. Articles of merger or share exchange	100
4	11. Articles of dissolution	25
5	12. Articles of domestication	100
6	13. Articles of revocation of dissolution	25
7	14. Application for reinstatement following	
8	administrative dissolution, in addition	
9	to other fees and penalties due	100
10	15. Application for authority	150
11	16. Application for withdrawal	25
12	17. Annual report	45
13	18. Articles of correction	25
14	19. Application for certificate of good standing	10
15	20. Any other document required or permitted	
16	to be filed by chapters 1 through 17	
17	of this title	25

18 B. The commission shall collect a nonrefundable fee of twenty-five
 19 dollars each time process is served on it under chapters 1 through 17 of this
 20 title. The party to a proceeding causing service of process is entitled to
 21 recover this fee as costs if the party prevails in the proceeding.

22 C. The commission shall charge and collect a reasonable fee for
 23 copying documents on request, provided the fee does not exceed the cost of
 24 providing the service as determined by the commission. The commission shall
 25 also charge a reasonable fee for certifying the copy of a filed document,
 26 provided the fee does not exceed the cost of providing the service as
 27 determined by the commission.

28 D. A penalty of one hundred dollars payable in addition to other fees
 29 accrues and is payable if a foreign corporation fails to file an amendment,
 30 restated articles that include an amendment, or articles of merger within
 31 sixty days of the time of filing in the jurisdiction in which the corporation
 32 is domiciled. The penalty collected pursuant to this subsection shall be
 33 deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

34 E. One-third of the fees for the annual report of domestic and foreign
 35 corporations paid pursuant to subsection A, paragraph 17 of this section
 36 shall be deposited in the Arizona arts trust fund established by section
 37 41-983.01 AND TWO-THIRDS OF THESE FEES SHALL BE DEPOSITED, PURSUANT TO
 38 SECTIONS 35-146 AND 35-147, IN THE PUBLIC ACCESS FUND ESTABLISHED BY SECTION
 39 10-122.01.

40 F. The commission shall provide for and establish an expedited service
 41 for the filing of all documents and services provided pursuant to this title
 42 as follows:

43 1. The expedited filing shall be a priority service to be completed as
 44 soon as possible after the documents are delivered to the commission.

1 2. In addition to any other fees required by this section or any other
2 law, the commission shall charge a nonrefundable fee for expedited services,
3 including those requested by fax. The fee shall be determined by a
4 supermajority vote of the commissioners.

5 3. The commission may provide for and establish same day and next day
6 services for the filing of any documents and services provided pursuant to
7 this title as follows:

8 (a) The same day and next day services shall not be offered unless all
9 expedited services filed pursuant to this title are processed within a
10 maximum of five business days and all other documents and services filed
11 pursuant to this title are processed within a maximum of thirty business
12 days.

13 (b) The commission shall suspend same day or next day service if the
14 commission determines that it does not have the necessary resources to
15 perform the service within the established time period.

16 (c) In addition to any other fees required by this section or any
17 other law, the commissioners may charge a nonrefundable fee for the same day
18 or next day service or both. The fee shall be determined by a supermajority
19 vote of the commissioners.

20 4. The commission shall publicly post the current wait times for
21 processing regular, expedited and same day and next day services.

22 G. The commission may charge persons who access the commission's data
23 processing system that is maintained pursuant to section 10-122.01 from
24 remote locations and persons requesting special computer generated printouts,
25 reports and tapes a reasonable fee that does not exceed the cost of the time,
26 equipment and personnel necessary to provide this service or product as
27 determined by the commission.

28 H. Except as provided in section 10-122.01, subsection B, paragraph 3,
29 in addition to any fee charged pursuant to this section, the commission may
30 charge and collect the following nonrefundable fees to help defray the cost
31 of the improved data processing system that is maintained pursuant to section
32 10-122.01:

33 1. Filing articles of incorporation of a domestic corporation, ten
34 dollars.

35 2. Filing an application of a foreign corporation for authority to
36 transact business in this state, twenty-five dollars.

37 I. All monies received pursuant to subsections F, G and H of this
38 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
39 public access fund established by section 10-122.01.

40 J. Fees charged pursuant to this section are exempt from section
41 39-121.03, subsection A, paragraph 3.

42 K. Any person may advance monies to the commission to pay fees
43 required pursuant to this section for future filings and services. All
44 monies received pursuant to this subsection shall be deposited, pursuant to

1 sections 35-146 and 35-147, in the money on deposit account in the public
2 access fund established by section 10-122.01.

3 L. For the purposes of this section, "supermajority" means an
4 affirmative vote of at least four commissioners.

5 Sec. 5. Section 10-122.01, Arizona Revised Statutes, is amended to
6 read:

7 10-122.01. Public access fund; purpose; exemption; money on
8 deposit account

9 A. A public access fund is established. The commission shall
10 administer the fund. The fund consists of monies received pursuant to:

- 11 1. Section 10-122, subsections E, F, G, H and K.
- 12 2. Section 10-3122, subsections I and K.
- 13 3. Section 29-851, subsections E and F.

14 B. Except as provided in subsection C of this section:

- 15 1. Monies in the fund are subject to legislative appropriation.
- 16 2. The commission shall spend monies in the fund for a part of the
17 general administrative and legal expenses of the commission and to purchase,
18 install and maintain an improved data processing system on the premises of
19 the commission. The data processing system shall be designed to allow direct
20 ~~on-line~~ ONLINE access by any person at a remote location to all public
21 records that are filed with the commission pursuant to this title and title
22 29, chapter 4.

23 3. When sufficient monies have been collected pursuant to section
24 10-122, subsections F, G and H, section 10-3122, subsection I and section
25 29-851, subsection E to pay for the purchase and installation of the data
26 processing system, the commission shall not charge and collect the fees
27 prescribed in section 10-122, subsection H or section 10-3122, subsection H.

28 4. Monies in the fund are exempt from the provisions of section 35-190
29 relating to lapsing of appropriations, except that any unencumbered monies in
30 excess of two hundred thousand dollars at the end of each fiscal year revert
31 to the state general fund.

32 C. The money on deposit account is established in the public access
33 fund as a separate account consisting of monies received pursuant to section
34 10-122, subsection K, section 10-3122, subsection K and section 29-851,
35 subsection F. Monies in the money on deposit account:

- 36 1. Are held in trust by the commission.
- 37 2. May be withdrawn by the commission only:

38 (a) To cover fees that are due pursuant to this title or title 29,
39 chapter 4 on delivery of documents for filing or on a request for services by
40 a person who advanced monies to the commission pursuant to section 10-122,
41 subsection K, section 10-3122, subsection K or section 29-851, subsection F.

42 (b) To refund the monies advanced in subdivision (a) of this paragraph
43 if the person who requested services pursuant to subdivision (a) of this
44 paragraph requests the refund.

(c) For the disposition of unclaimed property pursuant to title 44, chapter 3.

3. Are not subject to either:

(a) Legislative appropriation.

(b) Reversion to the state general fund.

Sec. 6. Section 28-3002, Arizona Revised Statutes, is amended to read:

28-3002. Fees; driver licenses; disposition

A. The following fees are required:

1. For each original or initial application or renewal application, if a written examination is required, for the following:

(a) Class A driver license, twenty-five dollars.

(b) Class B driver license, twenty-five dollars.

(c) Class C driver license, twelve dollars fifty cents.

(d) Class D driver license issued pursuant to section 28-3171, ten dollars.

(e) Class M driver license issued pursuant to section 28-3171, ten dollars.

2. Except as provided in paragraph 1, for each original, renewal or reinstatement application for a class D, G or M license:

Age	Fee
18-24	100
25-34	150
35-44	200
45-54	250
55-64	300
65-74	350
75-84	400
85-94	450
95-104	500
105-114	550
115-124	600
125-134	650
135-144	700
145-154	750
155-164	800
165-174	850
175-184	900
185-194	950
195-204	1000
205-214	1050
215-224	1100
225-234	1150
235-244	1200
245-254	1250
255-264	1300
265-274	1350
275-284	1400
285-294	1450
295-304	1500
305-314	1550
315-324	1600
325-334	1650
335-344	1700
345-354	1750
355-364	1800
365-374	1850
375-384	1900
385-394	1950
395-404	2000
405-414	2050
415-424	2100
425-434	2150
435-444	2200
445-454	2250
455-464	2300
465-474	2350
475-484	2400
485-494	2450
495-504	2500
505-514	2550
515-524	2600
525-534	2650
535-544	2700
545-554	2750
555-564	2800
565-574	2850
575-584	2900
585-594	2950
595-604	3000
605-614	3050
615-624	3100
625-634	3150
635-644	3200
645-654	3250
655-664	3300
665-674	3350
675-684	3400
685-694	3450
695-704	3500
705-714	3550
715-724	3600
725-734	3650
735-744	3700
745-754	3750
755-764	3800
765-774	3850
775-784	3900
785-794	3950
795-804	4000
805-814	4050
815-824	4100
825-834	4150
835-844	4200
845-854	4250
855-864	4300
865-874	4350
875-884	4400
885-894	4450
895-904	4500
905-914	4550
915-924	4600
925-934	4650
935-944	4700
945-954	4750
955-964	4800
965-974	4850
975-984	4900
985-994	4950
995-1004	5000
1005-1014	5050
1015-1024	5100
1025-1034	5150
1035-1044	5200
1045-1054	5250
1055-1064	5300
1065-1074	5350
1075-1084	5400
1085-1094	5450
1095-1104	5500
1105-1114	5550
1115-1124	5600
1125-1134	5650
1135-1144	5700
1145-1154	5750
1155-1164	5800
1165-1174	5850
1175-1184	5900
1185-1194	5950
1195-1204	6000
1205-1214	6050
1215-1224	6100
1225-1234	6150
1235-1244	6200
1245-1254	6250
1255-1264	6300
1265-1274	6350
1275-1284	6400
1285-1294	6450
1295-1304	6500
1305-1314	6550
1315-1324	6600
1325-1334	6650
1335-1344	6700
1345-1354	6750

50 or older	\$10.00
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45-49	\$15.00
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40-44 \$20.00

39 or younger	\$25.00
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3. For each original or initial application or renewal examination, if a written application is required, for the following endorsements to a driver license;

(a) Bus endorsement, ten dollars.

(b) Hazardous materials endorsement, ten dollars.

(c) Tank vehicle endorsement, ten dollars.

(d) Double-triple trailer endorsement, ten dollars.

(e) Motorcycle endorsement, seven dollars.

4. For taking each driving test for a:

(a) Class A driver license, twenty-five dollars.

(b) Class B driver license, twenty-five dollars.

(c) Class C driver license, twelve dollars fifty cents.

(d) Bus endorsement, five dollars.

5. For each application for an instruction permit under:

(a) Section 28-3154 or 28-3156, seven dollars.

(b) Section 28-3155, three dollars.

(c) Section 28-3225, class A, twenty-five dollars.

(d) Section 28-3225, class B, twenty-five dollars.

(e) Section 28-3225, class C, twelve dollars fifty cents.

6. For each renewal application, if a written examination is not required, for a:

1 (a) Class A driver license and any endorsement, other than a hazardous
2 materials endorsement, to the license, fifteen dollars.

3 (b) Class B driver license and any endorsement, other than a hazardous
4 materials endorsement, to the license, fifteen dollars.

5 (c) Class C driver license and any endorsement, other than a hazardous
6 materials endorsement, to the license, ten dollars.

7 7. For each application for a duplicate of a driver license, ~~four~~
8 ~~dollars~~ AN AMOUNT DETERMINED BY THE DIRECTOR.

9 8. For each application for a duplicate of an instruction permit, two
10 dollars.

11 9. In addition to the fees prescribed in paragraph 2 and except as
12 provided in paragraph 11:

13 (a) For reinstatement of driving privileges after suspension or
14 disqualification, ten dollars.

15 (b) For reinstatement of driving privileges after revocation, twenty
16 dollars.

17 10. For each application for an extension by mail of a driver license,
18 five dollars.

19 11. In addition to the fees prescribed in paragraph 2, for
20 reinstatement of driving privileges that were suspended or denied pursuant to
21 section 28-1385 after completion of the suspension or revocation, fifty
22 dollars.

23 12. For vision screening tests of out-of-state drivers, five dollars.

24 13. For class D or M driver license skills tests for out-of-state
25 drivers, fifteen dollars.

26 B. Except as otherwise provided by statute, the director shall
27 immediately deposit, pursuant to sections 35-146 and 35-147, fees collected
28 under this section in the Arizona highway user revenue fund.

29 Sec. 7. Section 33-812, Arizona Revised Statutes, is amended to read:
30 33-812. Disposition of proceeds of sale

31 A. The trustee shall apply the proceeds of the trustee's sale in the
32 following order of priority:

33 1. To the costs and expenses of exercising the power of sale and the
34 sale, including the payment of the trustee's fees and reasonable attorney
35 fees actually incurred.

36 2. To the payment of the contract or contracts secured by the trust
37 deed.

38 3. To the payment of all other obligations provided in or secured by
39 the trust deed and actually paid by the beneficiary before the trustee's
40 sale.

41 4. To any condominium association or planned community association as
42 defined in ~~chapters~~ CHAPTER 9 or ~~10~~ 16 of this title ~~who~~ THAT had a
43 subordinate lien as provided by law, even if the trustee intends to deposit
44 the balance pursuant to subsection C of this section. The trustee may pay an
45 association's lien on receipt of a written claim and shall be discharged from

1 any liability for any payment made in good faith. The trustee may inquire as
2 to the existence of a lien if there is a recorded declaration on the property
3 without regard to whether a lien has been recorded. Any person who is an
4 applicant or respondent pursuant to subsection G- H of this section may
5 require the condominium ASSOCIATION or planned community association to prove
6 its entitlement to any funds received from the trustee. An association that
7 demonstrates that the amount it received from the trustee was proper in all
8 material respects is entitled to an award of its reasonable attorney fees and
9 court costs against the applicant or respondent who contested the payment.
10 If the applicant or respondent against whom the association's award is
11 entered is entitled to excess proceeds of the sale, the award of attorney
12 fees and costs shall be payable from those excess proceeds.

13 5. To the junior lienholders or encumbrancers in order of their
14 priority as they existed at the time of the sale. After payment in full of
15 all sums due to all junior lienholders and encumbrancers as of the date of
16 the sale and excluding any postsale attorney fees, payment shall be made to
17 the trustor, except that if the trustor has sold or transferred the property
18 to another owner before the trustee's sale, payment shall be made to the
19 person who is the owner of record at the time of the trustee's sale.

20 B. After application of the proceeds pursuant to subsection A,
21 paragraphs 1, 2 and 3 of this section, if there are additional proceeds to be
22 distributed, the trustee, within fifteen days of the completion of the
23 trustee's sale, shall mail by first class mail and by certified or registered
24 mail, postage prepaid, a notice of any excess proceeds to the trustor as of
25 the date of the recording of the notice of sale. The trustee may deduct the
26 costs of mailing the notice of excess proceeds from the additional proceeds.

27 C. In the trustee's discretion and instead of any one or more of the
28 applications specified in subsection A of this section, the trustee may elect
29 to deposit the balance of the proceeds with the county treasurer in the
30 county in which the sale took place pending an order of the superior court in
31 the county. On deposit of the balance of the monies and after complying with
32 subsection D of this section, the trustee shall be discharged from all
33 responsibility for acts performed in good faith according to this chapter.
34 The county treasurer shall reject any deposit that does not comply with
35 subsection D of this section.

36 D. If the trustee elects to deposit the balance of the sale proceeds
37 as prescribed by subsection C of this section, the trustee as plaintiff shall
38 commence a civil action in the superior court in the county in which the sale
39 occurred. The action shall name the applicable county treasurer as the
40 defendant, but the county treasurer has no obligation to respond to the
41 complaint or appear in the action. The trustee shall mail by certified or
42 registered mail, with postage prepaid, a conformed copy of the complaint that
43 displays the filing stamp of the court clerk to the county treasurer and all
44 persons, other than the beneficiary, who are entitled to notice pursuant to
45 section 33-809 and to any other person known by the trustee to have an

1 interest of record in the property at the time of the sale. The trustee
2 shall incorporate in or attach to the complaint:

3 1. A copy of any one of the following:

4 (a) The trustee sale guarantee and all amendments or endorsements
5 obtained by the trustee.

6 (b) The title search used by the trustee in connection with the
7 trustee's sale of the subject property and all amendments or endorsements
8 obtained by the trustee.

9 (c) A detailed description of the liens and encumbrances used by the
10 trustee in connection with the trustee's sale of the property.

11 2. A copy of the list of the persons and each of the addresses to
12 which the complaint will be mailed.

13 3. A detailed description of any disbursements made by the trustee
14 pursuant to this section.

15 4. A narrative description of the liens and encumbrances as shown in
16 the trustee's sale guarantee, title report or detailed description, including
17 an analysis of the apparent priority of potential claimants. The trustee
18 shall not be liable for any error in the narrative description or analysis.

19 E. The trustee may withhold from the proceeds of the sale a reasonable
20 trustee's fee and reasonable attorney fees actually incurred and the costs of
21 filing the complaint, depositing the proceeds and mailing the notices.

22 F. Upon filing the complaint, the trustee as plaintiff is discharged
23 without prejudice from the proceedings.

24 G. Any person with a recorded or other legal interest in the property
25 at the time of the sale may apply for the release of the proceeds by filing
26 an application for distribution in the civil action that was filed by the
27 trustee pursuant to subsection D of this section. The applicant shall mail
28 postage prepaid by any form of mail that requires a signed and returned
29 receipt a copy of the application to the county treasurer and all persons at
30 each of the addresses named on the list of persons that is incorporated in or
31 attached to the complaint. On return of the signed receipt or the
32 undelivered or unclaimed original envelope, the applicant shall file with the
33 court an affidavit that states that the application was mailed to the person
34 and that the application was either:

35 1. Received, as evidenced by the receipt. The applicant shall attach
36 to the affidavit a copy of the receipt.

37 2. Not received, as evidenced by the returned envelope. The applicant
38 shall attach to the affidavit a copy of the original unopened and undelivered
39 or unclaimed returned envelope.

40 H. Any person who receives the application or who claims a right to
41 the proceeds may file a response to the application within thirty days of the
42 mailing of the application. The person filing a response shall mail a copy
43 of the response to each applicant. Within ten calendar days from the date
44 the response is mailed, an applicant may file with the clerk and mail to each
45 respondent a reply to the response. On expiration of the time for filing a

1 reply, an applicant shall provide the court with postage prepaid business
2 envelopes that are addressed to all persons who are entitled to receive
3 copies of the complaint pursuant to subsection D of this section. If an
4 association with a claim is not paid by the trustee pursuant to subsection A,
5 paragraph 4 of this section and is required to file an application or
6 response pursuant to this subsection in order to recover proceeds, the
7 association may request from the excess proceeds of the sale an award of its
8 reasonable attorney fees and costs incurred.

9 I. Except as provided in subsection L of this section, the court shall
10 issue an order to the county treasurer to release the proceeds deposited with
11 the county treasurer to the party entitled to receive them after applying the
12 priorities prescribed by subsection A of this section. On notice to all
13 persons who have received a copy of the complaint or who have filed a
14 responsive pleading, the court may, and if there are competing claims to the
15 proceeds, the court shall, hold a hearing to determine entitlement to the
16 proceeds. Every applicant or respondent shall acknowledge the existence of
17 any apparent lien, encumbrance or interest that could have priority over the
18 applicant or respondent. If the court finds that a person other than an
19 applicant or respondent has a superior right to receive the proceeds, the
20 court shall not issue an order on the proceeds until one hundred eighty days
21 from the date the complaint was filed. At any time before the expiration of
22 the one hundred eighty day period, an applicant or respondent may move for a
23 hearing to determine whether the claimed superior right is valid or
24 enforceable and whether the claim is entitled to receive priority over the
25 claim of the applicant or respondent. The motion shall set forth the
26 specific facts and evidence that support the applicant's or respondent's
27 position and shall be mailed to all persons who have received a copy of the
28 complaint or filed a responsive pleading. If a response is not filed within
29 the one hundred eighty day period by the person found by the court to have a
30 superior right to receive the proceeds, the court shall enter an order in
31 favor of any applicant or respondent entitled to the proceeds. On release of
32 the proceeds, the county treasurer may assess and deduct from the proceeds a
33 reasonable fee not to exceed one hundred dollars for the treasurer's costs
34 associated with the civil action.

35 J. Within ninety days after completion of the sale, the trustee shall
36 apply the proceeds of the sale pursuant to subsection A of this section or
37 shall deposit the proceeds with the treasurer pursuant to subsection C of
38 this section. If the trustee fails to comply with this subsection, the
39 trustee forfeits any entitlement to the fees and costs prescribed in
40 subsection ~~D~~ E of this section and shall pay interest at the rate provided
41 for judgments pursuant to section 44-1201 from the date of completion of the
42 sale until the trustee complies with this subsection. Any person with a
43 recorded or other legal interest in the property at the time of the sale may
44 commence a civil action against the trustee for the trustee's failure to

1 comply with this subsection. The court may award the prevailing party its
2 reasonable attorney fees and costs incurred in that civil action.

3 K. Excess proceeds deposited with the county treasurer pursuant to
4 subsection C of this section are presumed abandoned if the monies remain with
5 the treasurer for at least ~~three~~ TWO years from the date of deposit and there
6 is no pending application for distribution.

7 L. Excess proceeds that are fifty dollars or less and that are
8 presumed abandoned under this section shall be transferred to the county
9 general fund. No further application for distribution by any applicant or
10 claim by the department of revenue may be made on these monies.

11 M. For all excess proceeds that are greater than fifty dollars and
12 that are presumed abandoned under this section, the county treasurer shall
13 submit a report to the department of revenue pursuant to section 44-307. The
14 county treasurer may assess and deduct from the proceeds a reasonable fee of
15 not more than fifty dollars for the treasurer's costs associated with
16 reporting each deposit.

17 N. The county treasurer shall be discharged from all claims and
18 responsibility for acts performed in good faith pursuant to this chapter
19 after remitting the presumed abandoned excess proceeds to the department of
20 revenue pursuant to section 44-308.

21 O. A claimant may enter into an agreement with a third party to pay
22 for the recovery of or for assistance in the recovery of excess proceeds on
23 deposit with the county treasurer. The agreement shall be in writing, signed
24 by the claimant, and the claimant's signature shall be acknowledged by a
25 notary public or other person authorized to accept an acknowledgment pursuant
26 to section 33-511. Any agreement entered into before the expiration of
27 thirty days after the date the trustee's sale was held, but not including the
28 date of the sale, is void and unenforceable. Any fee or payment provided for
29 in an agreement shall be reasonable. The fee or payment shall be presumed to
30 be unreasonable and the obligation to pay the fee or payment is unenforceable
31 if the fee or payment agreed on exceeds two thousand five hundred dollars
32 excluding attorney fees and the costs of filing the claim and providing the
33 statutorily required notices. Any person seeking a fee or payment exceeding
34 two thousand five hundred dollars may apply to the court for additional
35 compensation but the person has the burden of establishing that the
36 additional compensation is reasonable under the circumstances. This
37 subsection does not preclude a claimant from contesting the reasonableness of
38 any fee or payment that is provided for in an agreement for the recovery of
39 or for assistance in the recovery of excess proceeds.

40 Sec. 8. Section 41-3506, Arizona Revised Statutes, is amended
41 effective from and after June 30, 2010, to read:

42 41-3506. State web portal fund; exemption

43 A. The state web portal fund is established and is subject to
44 legislative appropriation. The government information technology agency
45 shall administer the fund. The state web portal fund shall consist of:

1 1. Monies appropriated to the fund by the legislature.

2 2. Any web portal usage fees collected under any agreement between
3 this state and an independent contractor providing services for the common
4 web portal ~~less the contractor's price of maintaining and operating the web~~
5 ~~portal.~~

6 3. Monies received from private grants or donations if designated for
7 the fund by the grantor or donor.

8 4. Monies received from the federal government by grant or otherwise
9 to assist this state in providing any common web portal projects.

10 B. Monies in the state web portal fund may be used for improving or
11 expanding this state's information technology services and projects,
12 including the common web portal.

13 C. Monies in the state web portal fund are exempt from the provisions
14 of section 35-190 relating to lapsing of appropriations.

15 Sec. 9. Title 42, chapter 1, article 3, Arizona Revised Statutes, is
16 amended by adding section 42-1116.01, to read:

17 42-1116.01. Department of revenue administrative fund

18 A. THE DEPARTMENT OF REVENUE ADMINISTRATIVE FUND IS ESTABLISHED
19 CONSISTING OF MONIES FROM UNCLAIMED PROPERTY DEPOSITED IN THE FUND PURSUANT
20 TO SECTION 44-313.

21 B. THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
22 EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
23 APPROPRIATIONS.

24 C. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL USE MONIES
25 IN THE FUND SOLELY FOR THE ADMINISTRATIVE COSTS OF THE DEPARTMENT.

26 Sec. 10. Section 42-5031, Arizona Revised Statutes, is amended to
27 read:

28 42-5031. Distribution of multipurpose facility revenues to
29 district

30 A. Subject to the requirements of subsection D of this section, if a
31 county stadium district is authorized by an election pursuant to section
32 48-4237, subsection E, paragraph 5 to use the amounts paid to the district
33 pursuant to subsection B of this section as permitted by law, then after
34 delivery of a resolution of the district board of directors requesting
35 payment, which resolution shall contain notice of the exercise of the option
36 to begin payments provided for in this subsection, the state treasurer shall
37 pay each month, beginning with the second calendar month after the optional
38 payment commencement event contained in the resolution, from the amount
39 designated as distribution base pursuant to section 42-5029, subsection D,
40 the amount determined under subsection B of this section to the district.
41 Payments under this section shall continue until July 1, 2025 OR UNTIL THE
42 DATE ALL AUTHORIZED DEBT SERVICE PAYMENTS ARE COMPLETED AS PROVIDED BY
43 SECTION 48-4203, SUBSECTION B, PARAGRAPH 3, WHICHEVER DATE IS EARLIER.

44 B. The amount to be paid each month under subsection A of this section
45 is one-half of the amount of state transaction privilege tax revenues

1 received in the second preceding calendar month from all persons conducting
2 business under any business classification under this article at a
3 multipurpose facility site, or in the construction of a multipurpose
4 facility, the public or district owned components of which cost at least two
5 hundred million dollars to construct. In no event shall the amount to be
6 paid each month under this section exceed the net new state transaction
7 privilege tax revenues received from the multipurpose facility site as
8 compared to the revenues received in the same month during the twelve months
9 prior to the month in which the public vote pursuant to section 48-4237 is
10 held. THE AMOUNT PAID TO THE DISTRICT SHALL NOT EXCEED THE AMOUNT REQUIRED
11 TO SERVICE THE DEBTS AND OBLIGATIONS OF THE DISTRICT AND TO MEET THE PURPOSES
12 SET FORTH IN SECTION 48-4204, SUBSECTION B.

13 C. The primary component, as described in section 48-4201, shall be
14 constructed during the first phase of the project.

15 D. To qualify for payments under this section, the municipality in
16 which the multipurpose facility site is located must either obtain voter
17 approval for a local transaction privilege tax to pay costs associated with a
18 multipurpose facility, or make a financial commitment by intergovernmental
19 agreement between the municipality and the district to make direct payments
20 to the district from any lawful source, including municipal transaction
21 privilege taxes or to expend monies for land, infrastructure or other
22 improvements directly related to the multipurpose facility or the
23 multipurpose facility site, by the end of the date referred to in subsection
24 A of this section in an aggregate amount equal to the amount received by the
25 district pursuant to this section.

26 E. If the municipality in which the multipurpose facility site is
27 located fails to satisfy the obligations of the municipality pursuant to
28 subsection D of this section, then beginning six months after ~~the end of the~~
29 date referred to in subsection A of this section, distributions otherwise
30 payable to the municipality pursuant to section 42-5029, subsection C shall
31 be reduced by an amount equal to the excess of the amount received by the
32 district pursuant to this section over the amount paid or expended by the
33 municipality. The amount of the reduction shall be distributed to the
34 district to satisfy the financial commitment of the municipality pursuant to
35 subsection D of this section.

36 F. To comply with the requirements of this section, the county stadium
37 district board of directors or any city or town that is part of the county
38 stadium district shall supply the department with all requested information
39 necessary to administer this section.

40 Sec. 11. Section 44-302, Arizona Revised Statutes, is amended to read:
41 44-302. Presumptions of abandonment

42 A. Property is presumed abandoned if it is unclaimed by the apparent
43 owner according to the following schedule:

44 1. A traveler's check is presumed abandoned ~~fifteen~~ THREE years after
45 issuance.

1 2. A money order or similar written instrument, other than a third
2 party bank check, is presumed abandoned ~~seven~~ THREE years after issuance.

3 3. Any stock or other equity interest in a business association or
4 financial organization, including a security entitlement under title 47,
5 chapter 8, is presumed abandoned ~~three~~ TWO years after any of the following,
6 whichever occurs first:

7 (a) The date of the most recent dividend, stock split or other
8 distribution that is unclaimed by the apparent owner.

9 (b) The date of the second mailing of a statement of account or other
10 notification or communication that was returned as undeliverable.

11 (c) The date the holder discontinued mailings, notifications or
12 communications to the apparent owner.

13 4. The principal on debt, other than a bearer bond or an original
14 issue discount bond, of a business association or financial organization is
15 presumed abandoned ~~three~~ TWO years after the maturity date and the interest
16 on the debt is presumed abandoned ~~three~~ TWO years after the payment date.

17 5. A demand, savings or time deposit, including a deposit that is
18 automatically renewable, and any interest or dividends are presumed abandoned
19 ~~five~~ THREE years after maturity or the date of the last indication by the
20 owner of interest in the property, whichever occurs first. For the purposes
21 of this paragraph, a deposit that is automatically renewable is deemed
22 matured on its initial date of maturity, unless the owner has consented to a
23 renewal at or about the time of the renewal and the consent is in writing or
24 is evidenced by any memorandum or other record on file with the holder.

25 6. Credits owed to a customer as a result of a retail business
26 transaction are presumed abandoned ~~five~~ THREE years after the obligation
27 accrued.

28 7. An amount owed by an insurance company on a life or endowment
29 insurance policy or an annuity that has matured or terminated is presumed
30 abandoned ~~five~~ THREE years after the obligation to pay arose or, in the case
31 of a policy or annuity that is payable on proof of death, the amount is
32 presumed abandoned ~~two years~~ ONE YEAR after the insured has attained, or
33 would have attained if the insured were living, the limiting age under the
34 mortality table on which the reserve is based. For the purposes of this
35 paragraph, all of the following conditions apply:

36 (a) If a person other than the insured or annuitant is entitled to the
37 owed amount and the person's address is not known to the company or it is not
38 definite and certain from the records of the company who is entitled to the
39 amount, it is presumed that the last known address of the person who is
40 entitled to the amount is the same as the last known address of the insured
41 or annuitant according to the company's records.

42 (b) Notwithstanding any law, if the company learns of the death of the
43 insured or annuitant and the beneficiary has not communicated with the
44 insurer within four months after the death, the company shall take reasonable
45 steps to pay the proceeds to the beneficiary.

1 (c) Every change of beneficiary form issued by an insurance company
2 under any life or endowment insurance policy or annuity contract to an
3 insured or owner who is a resident of this state shall request the following
4 information:

5 (i) The name of each beneficiary, or if a class of beneficiaries is
6 named, the name of each current beneficiary in the class.

7 (ii) The address of each beneficiary.

8 (iii) The relationship of each beneficiary to the insured.

9 8. A life or endowment insurance policy or annuity contract not
10 matured by actual proof of the death of the insured or annuitant according to
11 the company's records is deemed matured and the proceeds are deemed due and
12 payable and are presumed abandoned after ~~two years~~ ONE YEAR if all of the
13 following conditions apply:

14 (a) The insured has attained, or would have attained if the insured
15 were living, the limiting age under the mortality table on which the reserve
16 is based.

17 (b) The policy was in force at the time the insured attained or would
18 have attained the limiting age specified in subdivision (a) of this
19 paragraph.

20 (c) Neither the insured nor any other person who appears to have an
21 interest in the policy within the last ~~two years~~ YEAR according to the
22 company's records has assigned, readjusted or paid premiums on the policy or
23 subjected the policy to a loan, corresponded in writing with the company
24 concerning the policy or otherwise indicated an interest as evidenced by a
25 memorandum or any other record on file with and prepared by an employee of
26 the company.

27 9. Property that is distributable by a business association or
28 financial organization in a course of dissolution is presumed abandoned one
29 year after the property becomes distributable.

30 10. Property that is received by a court as proceeds of a class action
31 and that is not distributed pursuant to the judgment is presumed abandoned
32 one year after the distribution date.

33 11. Property that is held by a court, government or governmental
34 subdivision, agency or instrumentality, except for support as defined in
35 section 25-500 or for spousal maintenance, is presumed abandoned ~~three~~ TWO
36 years after the property becomes distributable. Monies held for the payment
37 of warrants by a state agency that remain unclaimed by the owner at the time
38 of the void date printed on the face of the warrant are presumed abandoned.
39 For the purposes of this paragraph, governmental subdivision does not include
40 a special taxing district as defined in section 48-241.

41 12. Wages or other compensation for personal services is presumed
42 abandoned one year after the compensation becomes payable.

43 13. Property in any individual retirement account, defined benefit plan
44 or other account or plan that qualifies for tax deferral under the income tax

1 laws of the United States is presumed abandoned ~~three~~ TWO years after any of
2 the following, whichever occurs first:

3 (a) The date of the distribution or attempted distribution of the
4 property.

5 (b) The date of the required distribution as stated in the plan or
6 trust agreement that governs the plan.

7 (c) If determinable by the holder, the date specified in the income
8 tax laws of the United States by which distribution of the property must
9 begin in order to avoid a tax penalty.

10 14. Any amount that is payable on a check, draft or similar instrument
11 on which a financial organization or business association is directly liable,
12 including a cashier's check and a certified check, and that has been
13 outstanding for more than ~~five~~ THREE years after the check, draft or similar
14 instrument was payable or after issuance if payable on demand is presumed
15 abandoned unless within ~~five~~ THREE years the owner has communicated in
16 writing with the financial organization or business association concerning
17 the check, draft or similar instrument or otherwise indicated an interest as
18 evidenced by a memorandum or any other record on file and prepared by an
19 employee of the financial organization or business association.

20 15. All other property is presumed abandoned ~~five~~ THREE years after the
21 owner's rights to demand the property or after the obligation to pay or
22 distribute the property arises, whichever occurs first.

23 16. Excess proceeds deposited with the county treasurer pursuant to
24 section 33-812 are presumed abandoned if the monies remain with the treasurer
25 for at least ~~three~~ TWO years from the date of deposit and there is no pending
26 application for distribution.

27 17. Any dividend, profit, distribution, interest, redemption, payment
28 on principal or other sum held or owing by a business association for or to
29 its shareholder, certificate holder, member, bondholder or other security
30 holder who has not claimed it, or corresponded in writing with the business
31 association concerning it, is presumed abandoned ~~three~~ TWO years after the
32 date prescribed for payment or delivery.

33 B. At the time that an interest is presumed abandoned under subsection
34 A of this section, any other property right accrued or accruing to the owner
35 as a result of the interest, and not previously presumed abandoned, is also
36 presumed abandoned.

37 C. Property is unclaimed if, for the applicable period prescribed in
38 subsection A of this section, the apparent owner has not communicated in
39 writing with the holder or communicated by other means reflected in a
40 contemporaneous record that is prepared by or on behalf of the holder and
41 that concerns the property or the account or accounts in which the property
42 is held and has not otherwise indicated an interest in the property and if
43 the holder has not communicated in writing with regard to the property that
44 would otherwise be unclaimed. A communication with an owner by a person
45 other than the holder or the holder's representative who has not identified

1 the property in writing to the owner is not an indication of interest in the
2 property by the owner.

3 D. An indication of an owner's interest in property includes:

4 1. The presentment of any check or other instrument of payment of any
5 dividend or other distribution that is made with respect to any account,
6 underlying stock or other interest in a business association or financial
7 organization. If the distribution is made by electronic or similar means an
8 indication of an owner's interest includes evidence that the distribution has
9 been received.

10 2. Activity directed by the owner in the account in which the property
11 is held, including a direction by the owner to increase, decrease or change
12 the amount or type of property held in the account.

13 3. The making of a deposit to or withdrawal from a bank account.

14 4. The payment of a premium with respect to a property interest in an
15 insurance policy. The application of an automatic premium loan provision or
16 any other nonforfeiture provision in an insurance policy does not prevent a
17 policy from maturing or terminating if the insured has died or if the insured
18 or the beneficiary of the policy has otherwise become entitled to the
19 proceeds before the depletion of the cash surrender value of a policy by the
20 application of those provisions.

21 E. Property is payable or distributable notwithstanding the owner's
22 failure to make demand or present an instrument or document otherwise
23 required to obtain payment.

24 Sec. 12. Section 44-313, Arizona Revised Statutes, is amended to read:

25 44-313. Deposit of monies

26 A. Except as otherwise provided in this section or section 44-314, the
27 department shall deposit, pursuant to sections 35-146 and 35-147, in the
28 state general fund all monies received pursuant to this chapter, including
29 the proceeds from the sale of abandoned property pursuant to section 44-312,
30 except that:

31 ~~1. Thirty five per cent of the monies shall be deposited in the~~
32 ~~housing trust fund established by section 41-3955.~~

33 ~~2. Twenty per cent of the monies shall be deposited in the housing~~
34 ~~trust fund established by section 41-3955. These monies shall be used~~
35 ~~exclusively for the development of eligible and viable housing in rural areas~~
36 ~~and for the purposes authorized under the housing development fund~~
37 ~~established by section 41-3956.~~

38 ~~3. Twenty per cent of the monies shall be deposited in the funds in~~
39 ~~the amounts provided in section 5-113, subsection A.~~

40 1. THE FIRST TEN MILLION FIVE HUNDRED THOUSAND DOLLARS OF THE MONIES
41 SHALL BE DEPOSITED EACH FISCAL YEAR IN THE HOUSING TRUST FUND ESTABLISHED BY
42 SECTION 41-3955.

43 2. THE SECOND TWENTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS OF THE
44 MONIES SHALL BE DEPOSITED EACH FISCAL YEAR IN THE DEPARTMENT OF REVENUE
45 ADMINISTRATIVE FUND ESTABLISHED BY SECTION 42-1116.01.

1 B. The department shall deposit monies from unclaimed shares and
2 dividends of any corporation incorporated under the laws of this state in the
3 permanent state school fund pursuant to article XI, section 8, Constitution
4 of Arizona.

5 C. The department shall deposit monies from unclaimed victim
6 restitution payments in the victim compensation and assistance fund
7 established by section 41-2407 for the purpose of establishing, maintaining
8 and supporting programs that compensate and assist victims of crime.

9 D. The department shall retain in a separate trust fund at least one
10 hundred thousand dollars from which the department shall pay claims.

11 E. Before making the deposit, the department shall record the name and
12 last known address of each person who appears from the holders' reports to be
13 entitled to the property and the name and last known address of each insured
14 person or annuitant and beneficiary. The department shall also record the
15 policy or contract number of each policy or contract of an insurance company
16 that is listed in the report, the name of the company and the amount due.
17 The department shall make the record available for public inspection during
18 reasonable business hours.

19 ~~F. Before making any deposit to the credit of the state general fund,~~
20 ~~the department may deduct, subject to legislative appropriation,~~
21 ~~administrative expenses in the following order of priority:~~

22 ~~1. Any costs in connection with the sale of abandoned property.~~
23 ~~2. Costs of mailing and publication in connection with any abandoned~~
24 ~~property.~~

25 ~~3. Reasonable department service charges.~~

26 ~~4. Costs incurred in examining records of holders of property and in~~
27 ~~collecting the property from those holders.~~

28 ~~5. Lawful holder charges.~~

29 ~~G. For the purposes of this section, "rural area" means either:~~

30 ~~1. A county with a population of less than four hundred thousand~~
31 ~~persons.~~

32 ~~2. A census county division with less than fifty thousand persons in a~~
33 ~~county with a population of four hundred thousand or more persons.~~

34 Sec. 13. Section 44-1861, Arizona Revised Statutes, is amended to
35 read:

36 44-1861. Fees; deposit; abandonment

37 A. BY the following AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS,
38 THE COMMISSION MAY ESTABLISH BY RULE AN annual fee for THE registration OF A
39 DEALER OR A SALESMAN. THE FEE shall be remitted on or before the last
40 working day of December, AND THE COMMISSION SHALL DEPOSIT THE FEE, PURSUANT
41 TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND ENFORCEMENT
42 FUND ESTABLISHED BY SECTION 44-2039. +—

43 ~~1. For each dealer, three hundred dollars, of which fifty dollars is~~
44 ~~allocated to the fund established under section 44-2039.~~

1 ~~2. For each salesman, forty dollars, of which fifteen dollars is~~
2 ~~allocated to the fund established under section 44-2039.~~

3 B. The registration fee for any dealer who deals exclusively in
4 securities of which the dealer is the issuer is one hundred dollars.

5 C. For registration of securities by description, there shall be paid
6 to the commission a nonrefundable registration fee of one-tenth of one per
7 cent of the aggregate offering price of the securities ~~which~~ THAT are to be
8 sold in this state, but in no event shall the registration fee be less than
9 two hundred dollars nor more than two thousand dollars. The amount by which
10 a registration fee exceeds one thousand five hundred dollars shall be
11 allocated to the commerce and economic development commission fund
12 established by section 41-1505.10.

13 D. BY the AFFIRMATIVE VOTE OF AT LEAST FOUR COMMISSIONERS, THE
14 COMMISSION MAY ESTABLISH BY RULE A transfer fee for a salesman transferring
15 ~~his~~ THE SALESMAN'S registration from one registered dealer to another
16 registered dealer ~~is forty dollars, of which fifteen dollars is allocated to~~
17 ~~the fund established under section 44-2039.~~ THE COMMISSION SHALL DEPOSIT THE
18 FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE SECURITIES REGULATORY AND
19 ENFORCEMENT FUND ESTABLISHED BY SECTION 44-2039.

20 E. The initial filing of a form required for safe harbor exemptions
21 provided for in the securities act of 1933 (15 United States Code section
22 77(a) et seq.) pursuant to the rules of the commission shall be accompanied
23 by a filing fee of two hundred fifty dollars, of which fifty dollars shall be
24 allocated to the commerce and economic development commission fund
25 established by section 41-1505.10. The final filing of the form, if separate
26 from the initial filing, shall be accompanied by a filing fee of one hundred
27 dollars that is allocated to the commerce and economic development commission
28 fund established by section 41-1505.10.

29 F. For a name change of securities registered by qualification or
30 description, a filing fee of one hundred dollars is payable to the
31 commission.

32 G. For filing a notice required by the commission by rule pursuant to
33 section 44-1845, a filing fee of one hundred dollars is payable to the
34 commission.

35 H. For filing a petition pursuant to section 44-1846, a filing fee of
36 two hundred fifty dollars is payable to the commission.

37 I. Except as provided in subsections A, C, D, E and P of this section,
38 section 44-1843 and section 44-1892, paragraph 3, all fees collected under
39 this chapter shall be deposited in the state general fund.

40 J. An issuer who sells securities in this state in excess of the
41 aggregate amount of securities registered in this state ~~may~~, while ~~such~~ THE
42 registration is still effective, MAY apply to register the excess securities
43 by paying three times the difference between the initial registration fee
44 paid and the registration fee required under subsection C of this section or

1 section 44-1892, paragraph 3. Registration of the excess securities, if
2 granted, is effective retroactively to the date of the existing registration.

3 K. An application for registration of securities or registration of a
4 dealer or salesman or an incomplete notice filing is deemed abandoned if
5 both:

6 1. The application or notice filing has been on file with the
7 commission for at least six months or the applicant or notice filer has
8 failed to respond to a request for information for at least two months after
9 the date of the request.

10 2. The applicant or notice filer has failed to respond to the
11 commission's notice of warning of abandonment within sixty calendar days
12 after the date of the warning.

13 L. The commission shall retain fees collected in connection with
14 abandoned applications or notice filings for deposit in the state general
15 fund.

16 M. The nonrefundable filing fee for a request for a no-action letter
17 from the securities division is two hundred dollars.

18 N. The nonrefundable filing fee for an application for registration
19 pursuant to section 44-1902 is two hundred fifty dollars.

20 O. The fee for submitting fingerprint cards to the department of
21 public safety is the fee required by that department.

22 P. Any securities exchange established in this state shall pay to the
23 commission on or before March 15 of each calendar year an exchange
24 registration fee in an amount equal to two-tenths of one cent for each share,
25 bond or option or any other single unit of a security, ~~which~~ THAT is
26 exchanged during each preceding calendar year. ~~which~~ THE COMMISSION shall be
27 deposited DEPOSIT THE FEE, PURSUANT TO SECTIONS 35-146 AND 35-147, in the
28 securities regulatory and enforcement fund established by section 44-2039 for
29 the purpose of regulating the securities exchange. The commission, by rule,
30 may exempt any sale of securities or any class of sales of securities from
31 the fee imposed by this subsection, if it finds that an exemption is
32 consistent with the public interest and the equal regulation of the market
33 and brokers and dealers.

34 Sec. 14. Section 44-2039, Arizona Revised Statutes, is amended to
35 read:

36 44-2039. Securities regulatory and enforcement fund; purpose

37 A. A securities regulatory and enforcement fund is established and
38 shall be administered by the commission under the conditions and for the
39 purposes provided by this section. Monies in the fund are exempt from the
40 provisions of section 35-190 relating to lapsing.

41 B. Fees collected pursuant to section 44-1861, ~~subsection~~ SUBSECTIONS
42 A, ~~paragraphs 1 and 2 and subsections D and P~~ shall be deposited, pursuant to
43 sections 35-146 and 35-147, in the securities regulatory and enforcement
44 fund, EXCEPT THAT ALL REVENUES COLLECTED IN EACH FISCAL YEAR IN EXCESS OF THE

1 AMOUNT APPROPRIATED FROM THE FUND BY THE LEGISLATURE SHALL BE DEPOSITED IN
2 THE STATE GENERAL FUND.

3 C. Monies in the fund are subject to legislative appropriation. The
4 commission shall use the monies in the fund for education and regulatory,
5 investigative and enforcement operations in the securities division and a
6 part of general administrative and hearing expenses of the commission.

7 Sec. 15. Section 48-4202, Arizona Revised Statutes, is amended to
8 read:

9 48-4202. Formation of district

10 A. The board of supervisors of each county having a population of more
11 than one million five hundred thousand persons according to the most recent
12 United States decennial census or any county in which a major league baseball
13 organization has established or seeks to establish a spring training
14 operation may organize a countywide district to include both the incorporated
15 and unincorporated areas of the county, if the board determines that the
16 public convenience, necessity or welfare will be promoted by establishing the
17 district.

18 B. Two or more municipalities in the same county may organize a
19 district for multipurpose facilities if the governing bodies of the
20 municipalities determine that the public convenience, necessity or welfare
21 will be promoted by establishing the district. The district shall be
22 comprised of the areas within the corporate boundaries of the municipalities.
23 After formation, the boundaries of the district shall not be altered. A
24 district may be established under this subsection in the same county in which
25 a district is established under subsection A of this section. A district
26 formed pursuant to this subsection shall be deemed a county stadium district
27 for purposes of this chapter. Notwithstanding any other law, a district may
28 not be organized under this subsection from and after October 31, 1999,
29 except that a district may be organized under this subsection after October
30 31, 1999 if before that date the governing body of two or more of the
31 municipalities identified the location of a multipurpose facility site and
32 has voted with the purpose of forming a district for multipurpose facilities
33 under this subsection.

34 C. The county board of supervisors shall be the board of directors of
35 a countywide district established under subsection A of this section.

36 D. The board of directors of a district established under subsection B
37 of this section shall consist of: ~~two members appointed for a definite term~~
38 ~~by the governing body of each municipality but may not include officers or~~
39 ~~employees of the municipality, and if the district enters into an~~
40 ~~intergovernmental agreement pursuant to section 48-4203 with an Indian tribe~~
41 ~~or community, the board of directors shall include two members appointed by~~
42 ~~the Indian tribe or community.~~

43 1. FIVE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, AT LEAST THREE OF
44 WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED AND
45 EACH OF WHOM MUST HAVE EXPERIENCE IN COMMERCIAL REAL ESTATE, CONSTRUCTION,

1 REDEVELOPMENT, REAL ESTATE LAW, ARCHITECTURE, ECONOMIC DEVELOPMENT OR
2 COMMERCIAL OR PUBLIC FINANCE. THE GOVERNOR MAY RECEIVE NOMINATIONS FOR
3 APPOINTMENT FROM ANY INTERESTED ORGANIZATION OR PERSON. MEMBERS APPOINTED BY
4 THE GOVERNOR SERVE AT THE PLEASURE OF THE GOVERNOR.

5 2. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE, AT
6 LEAST ONE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN WHICH THE DISTRICT IS
7 LOCATED. THE MEMBERS APPOINTED BY THE PRESIDENT SERVE AT THE PLEASURE OF THE
8 PRESIDENT.

9 3. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
10 REPRESENTATIVES, AT LEAST ONE OF WHOM MUST RESIDE IN THE MUNICIPALITY IN
11 WHICH THE DISTRICT IS LOCATED. THE MEMBERS APPOINTED BY THE SPEAKER SERVE AT
12 THE PLEASURE OF THE SPEAKER.

13 E. The directors OF ANY DISTRICT are not eligible for compensation for
14 their services but are eligible for reimbursement for their necessary
15 expenses in attending to and traveling on district business.

16 ~~D.~~ F. The board of supervisors may pay the necessary costs incurred
17 in connection with establishing a countywide district from any county monies
18 available for that purpose. The municipalities may pay their proportionate
19 share of the necessary costs incurred in establishing a district formed by
20 two or more municipalities under subsection B of this section from any monies
21 available for that purpose.

22 ~~E.~~ G. Subject to limitations imposed by intergovernmental agreement
23 and the ordinance or resolution authorizing the formation of the district,
24 the district is a tax levying public improvement district and a political
25 taxing subdivision of this state and has all the powers, privileges and
26 immunities granted generally to municipal corporations for the purposes of
27 implementing this chapter, including eminent domain, as provided by section
28 48-4203, subsection A, paragraph 7, and immunity of its property, bonds and
29 interest on and transfer of its bonds from taxation.

30 Sec. 16. Section 48-4203, Arizona Revised Statutes, is amended to
31 read:

32 48-4203. Powers and duties of board of directors; conflict of
33 interest

34 A. The board of directors, on behalf of the district, may:

35 1. Adopt and use a corporate seal.

36 2. Sue and be sued.

37 3. Enter into contracts, including intergovernmental agreements under
38 title 11, chapter 7, article 3, as necessary to carry out the purposes and
39 requirements of this chapter. The district may contract with a county sports
40 authority established under title 11, chapter 5 to carry out any power of the
41 district.

42 4. Adopt administrative rules as necessary to administer and operate
43 the district and any property under its jurisdiction.

44 5. Adopt rules that allow weighted voting by board members and
45 establish conditions for terminating the district.

1 6. Employ an executive director and administrative and clerical
2 employees, or contract for other management personnel, and prescribe the
3 terms and conditions of their employment as necessary to carry out the
4 purposes of the district.

5 7. Acquire by any lawful means and operate, maintain, encumber and
6 dispose of real and personal property and interests in property. A district
7 established under section 48-4202, subsection A may acquire real property by
8 eminent domain. A district established under section 48-4202, subsection B
9 shall not acquire real property by eminent domain.

10 8. Administer trusts declared or established for the district, receive
11 and hold in trust or otherwise property located in or out of this state and,
12 if not otherwise provided, dispose of the property for the benefit of the
13 district.

14 9. Retain legal counsel and other consultants as necessary to carry
15 out the purposes of the district.

16 B. The board of directors, on behalf of a district established
17 pursuant to section 48-4202, subsection B, may:

18 1. Use revenues paid to the district pursuant to section 42-5031 and
19 other revenues the district may receive from other sources, for the purposes
20 set forth in section 48-4204, subsection B.

21 2. Enter into agreements with developers, contractors, tenants and
22 other users of all or part of a multipurpose facility as determined
23 appropriate.

24 3. Pledge all or part of the revenues described in section 42-5031,
25 subsection B, to secure the district's bonds or other financial obligations
26 issued or incurred under this chapter for the construction of all or part of
27 a multipurpose facility.

28 C. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED PURSUANT TO
29 SECTION 48-4202, SUBSECTION B SHALL PROVIDE PUBLIC OUTREACH AND EDUCATION ON
30 THE PURPOSE AND ACTIVITIES OF THE DISTRICT, INCLUDING:

31 1. PRESENTATIONS TO THE GOVERNING BODIES OF THE MUNICIPALITIES IN THE
32 COUNTY IN WHICH THE DISTRICT IS LOCATED.

33 2. PRESENTATIONS TO COMMUNITY, CIVIC AND BUSINESS ORGANIZATIONS.

34 3. PRINTED OR ELECTRONIC MATERIALS THAT SUPPORT THE PURPOSES OF THIS
35 SUBSECTION.

36 D. The board of directors shall:

37 1. Appoint from among its members a chairman, a secretary and such
38 other officers as may be necessary to conduct its business. The board of
39 directors may appoint the chief financial officer of the county as the
40 district treasurer of a countywide district established under section
41 48-4202, subsection A. If the board does not appoint the chief financial
42 officer, the county treasurer is designated ex officio as the treasurer. The
43 board of directors of a district that is established pursuant to section
44 48-4202, subsection B shall designate ~~ex officio an officer of one of the~~
45 ~~municipalities~~ A MEMBER OF THE BOARD WITH FINANCIAL MANAGEMENT OR ACCOUNTING

1 EXPERIENCE OR A PERSON WITH WHOM THE BOARD HAS CONTRACTED FOR FINANCIAL
2 MANAGEMENT as treasurer of the district.

3 2. Keep and maintain a complete and accurate record of all its
4 proceedings. All proceedings and records of the board shall be open to the
5 public as required by title 38, chapter 3, article 3.1 and title 39,
6 chapter 1.

7 3. Provide for the use, maintenance and operation of the properties
8 and interests controlled by the district.

9 ~~D.~~ E. The board of directors of a district that is established
10 pursuant to section 48-4202, subsection B shall determine by agreement the
11 distribution of revenues from operating and using the multipurpose facilities
12 among the municipalities and any participating Indian tribe or community.

13 ~~E.~~ F. The directors, officers and employees of the district are
14 subject to title 38, chapter 3, article 8 relating to conflicts of interest.

15 ~~F.~~ G. This state and political subdivisions of this state other than
16 the district are not liable for any financial or other obligations of the
17 district and the financial or other obligations do not constitute a debt or
18 liability of this state or any political subdivision of this state, other
19 than the district.

20 Sec. 17. Section 48-4204, Arizona Revised Statutes, is amended to
21 read:

22 48-4204. Constructing and operating a stadium and other
23 structures; regulating alcoholic beverages

24 A. From the taxes and surcharges levied pursuant to article 2 of this
25 chapter for use with respect to major league baseball spring training, the
26 district may acquire land and construct, finance, furnish, maintain, improve,
27 operate, market and promote the use of existing or proposed major league
28 baseball spring training facilities or stadiums and other structures,
29 utilities, roads, parking areas or buildings necessary for full use of the
30 training facilities or stadiums for sports and other purposes and do all
31 things necessary or convenient to accomplish those purposes. The board shall
32 require that any project undertaken by the district include financial
33 participation from the county or municipality in which the project is
34 located, from a private party or from any combination of these entities which
35 equals or exceeds one-half of the amount to be expended or distributed by the
36 district. Capital improvement funds expended at any time after June 1, 1991
37 by a county, municipality or private party for a purpose authorized by this
38 section may be deemed financial participation with respect to any project the
39 district may undertake.

40 B. From the taxes and charges levied or identified pursuant to section
41 48-4237 for use with respect to multipurpose facilities and from other monies
42 lawfully available to the district, the district may acquire land and
43 construct, finance, furnish, maintain, improve, operate, market and promote
44 the use of multipurpose facilities and other structures, utilities, roads,
45 parking areas or buildings necessary for full use of the multipurpose

1 facilities and do all things necessary or convenient to accomplish those
2 purposes. Public funds identified in section 48-4237, including funds
3 distributed pursuant to section 42-5031, may only be used for the components
4 for a multipurpose facility which are owned by the district or which are
5 publicly owned, EXCEPT THAT MONIES PAID TO THE DISTRICT PURSUANT TO SECTION
6 42-5031 MAY ONLY BE USED FOR THE FOLLOWING PURPOSES UNTIL A NOTICE TO PROCEED
7 IS ISSUED FOR A HOTEL AND CONVENTION CENTER LOCATED ON THE MULTIPURPOSE
8 FACILITY SITE:

9 1. DEBT SERVICE FOR BONDS ISSUED BY THE DISTRICT BEFORE JANUARY 1,
10 2009.

11 2. CONTRACTUAL OBLIGATIONS INCURRED BY THE DISTRICT BEFORE JUNE 1,
12 2009.

13 3. FIDUCIARY, REASONABLE LEGAL AND ADMINISTRATIVE EXPENSES OF THE
14 DISTRICT.

15 4. THE DESIGN AND CONSTRUCTION OF THE HOTEL AND CONVENTION CENTER
16 LOCATED ON THE MULTIPURPOSE FACILITY SITE.

17 C. A DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B
18 MAY NOT USE MONIES DISTRIBUTED PURSUANT TO SECTION 42-5031 FOR THE SALARIES
19 OR COMPENSATION OF ANY EMPLOYEE OF THE MUNICIPALITY IN WHICH THE DISTRICT IS
20 LOCATED.

21 ~~C.~~ D. Title 34 applies to the district, except that regardless of the
22 funding source for design and construction of facilities and structures the
23 district may establish alternative systems and procedures, including the use
24 of the design-build method of construction or the use of qualifications-based
25 selection of contractors with experience in stadium design or construction,
26 to expedite the design and construction of any of its facilities or
27 structures or any facilities or structures leased to it or used by it
28 pursuant to an intergovernmental agreement. For the purposes of this
29 subsection:

30 1. "Design-build" means a process of entering into and managing a
31 contract between the district and another party in which the other party
32 agrees to both design and build a structure, a facility or other items
33 specified in the contract.

34 2. "Qualifications-based selection" means a process of entering into
35 and managing a contract between the district and another party in which the
36 other party is selected by the district on the basis of the party's
37 qualifications and experience in designing or constructing facilities,
38 structures or other items similar to those the district is authorized to
39 construct or lease. The other party may be selected by direct selection or
40 by public competition.

41 ~~D.~~ E. For purposes of financing, designing, constructing or operating
42 facilities or structures, the district is not the agent of any municipality
43 participating in the funding of such facilities or structures.

1 E- F. Subject to the requirements of title 4, the board of directors
2 may permit and regulate the sale, use and consumption of alcoholic beverages
3 at events held on property acquired, leased or subleased under this article.

4 Sec. 18. Section 48-4231, Arizona Revised Statutes, is amended to
5 read:

6 48-4231. County stadium district fund

7 A. The district treasurer shall maintain a county stadium district
8 fund consisting of all monies received by the district, including:

9 1. Payments received from leasing, subleasing or renting property
10 owned, leased or controlled by the district.

11 2. Revenues received by the district from admissions and concessions
12 and other proceeds from events held at a stadium owned or leased by the
13 district.

14 3. Monies received from issuing and selling bonds under article 3 of
15 this chapter.

16 4. Interest and other income received from investing monies in the
17 fund.

18 5. Gifts, grants and donations received for that purpose from any
19 public or private source.

20 B. Monies in the fund may be used for any lawful purpose of the
21 district.

22 C. The district treasurer may invest any unexpended monies in the fund
23 as provided in title 35, chapter 2. Notwithstanding section 35-323, the
24 district treasurer may invest and reinvest monies in the fund, other than
25 operating fund monies, in eligible investments with a maturity of greater
26 than five years. Interest and other income from investments shall be
27 credited to the fund. The district treasurer shall invest the monies so as
28 to mature at the times when the fund assets will be required for the purposes
29 of this article. If the liquid assets in the fund become insufficient to
30 meet the district's obligations, the board of directors shall direct the
31 district treasurer to liquidate sufficient securities to meet all of the
32 current obligations and immediately notify the auditor general of the
33 insufficiency, and the auditor general shall investigate and audit the
34 circumstances surrounding the depletion of the fund and report ~~his~~ THE
35 AUDITOR GENERAL'S findings to the board.

36 D. EXCEPT AS PROVIDED BY SECTION 48-4231.01, the board of directors
37 shall cause an annual audit to be conducted of the fund by an independent
38 certified public accountant within one hundred twenty days after the end of
39 the fiscal year. The board shall immediately file a certified copy of the
40 audit with the auditor general. The auditor general may make such further
41 audits and examinations as ~~he~~ THE AUDITOR GENERAL deems necessary, but if ~~he~~
42 THE AUDITOR GENERAL takes no official action within thirty days after the
43 audit is filed, the audit is deemed sufficient. The board of directors shall
44 pay all fees and costs of the certified public accountant and auditor general
45 under this subsection from the fund.

1 Sec. 19. Title 48, chapter 26, article 2, Arizona Revised Statutes, is
2 amended by adding sections 48-4231.01 and 48-4231.02, to read:

3 48-4231.01. Financial and performance audits of districts
4 owning multipurpose facilities; appearance before
5 joint committee on capital review

6 A. BEGINNING IN 2010 AND EVERY THREE YEARS THEREAFTER, THE AUDITOR
7 GENERAL SHALL CONTRACT WITH AN INDEPENDENT AUDITOR TO CONDUCT A PERFORMANCE
8 AUDIT AS DEFINED IN SECTION 41-1278, INCLUDING A FINANCIAL AUDIT, OF EACH
9 DISTRICT ORGANIZED UNDER SECTION 48-4202, SUBSECTION B. THE INDEPENDENT
10 AUDITOR MUST HAVE NATIONAL STATUS WITH EXPERTISE IN EVALUATING PUBLIC
11 CONSTRUCTION, OWNERSHIP AND MANAGEMENT OF CAPITAL IMPROVEMENTS THAT INCLUDE
12 HOSPITALITY, CONVENTION AND SPORTS VENUE FACILITIES. THE AUDIT MUST BE
13 COMPLETED WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF THE FISCAL YEAR.

14 B. THE AUDIT SHALL INCLUDE CONSIDERATION OF:

15 1. CAPITAL COSTS, INCLUDING DEBT SERVICE, OF THE MULTIPURPOSE FACILITY
16 AND OTHER ASSETS OF THE DISTRICT.

17 2. THE LEVEL OF THE DISTRICT'S INDEBTEDNESS, THE AMOUNT OF PRINCIPAL,
18 INTEREST AND OTHER DEBT SERVICE EXPENSES PAID IN THE PRECEDING FISCAL YEAR
19 AND THE REMAINING TERM TO MATURITY WITH RESPECT TO EACH OUTSTANDING BOND
20 ISSUE.

21 3. OPERATION AND MAINTENANCE COSTS OF THE MULTIPURPOSE FACILITY AND
22 OTHER ASSETS OF THE DISTRICT.

23 4. THE DISTRICT'S OVERALL EXPENDITURES IN THE PRECEDING FISCAL YEAR,
24 INCLUDING:

25 (a) THE LEVEL OF EXPENSES FOR ADMINISTRATION, PLANNING, TRAVEL AND
26 ENTERTAINMENT.

27 (b) THE SUCCESS OF THOSE EXPENDITURES IN SUPPORTING AND ACHIEVING THE
28 DISTRICT'S PURPOSES.

29 5. A DESCRIPTION OF AND THE AMOUNT OF MUNICIPAL PAYMENTS PURSUANT TO
30 SECTION 42-5031, SUBSECTION D DURING THE PRECEDING FISCAL YEAR AND THE
31 CUMULATIVE AMOUNT OF THOSE PAYMENTS THROUGH THE END OF THE PRECEDING FISCAL
32 YEAR.

33 6. THE PUBLIC USE OF EACH COMPONENT OF THE MULTIPURPOSE FACILITY.

34 7. REVENUES DERIVED FROM EACH COMPONENT OF THE MULTIPURPOSE FACILITY
35 AND OTHER REVENUES OF THE DISTRICT BY SOURCE.

36 8. DISTRICT PROJECTS THAT ARE CURRENTLY UNDER CONSTRUCTION AND THAT
37 ARE INCLUDED IN THE DISTRICT'S PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT.

38 C. THE AUDIT SHALL MAKE FINDINGS AND RECOMMENDATIONS REGARDING THE
39 CONSTRUCTION, FINANCING, OPERATION AND MAINTENANCE OF EACH COMPONENT OF THE
40 MULTIPURPOSE FACILITY, INCLUDING WHETHER THE FACILITY EXCEEDS, MEETS OR FAILS
41 TO MEET NATIONALLY RECOGNIZED DESIGN AND PERFORMANCE STANDARDS.

42 D. THE DISTRICT AND THE BOARD OF DIRECTORS SHALL COOPERATE WITH AND
43 SUBMIT TO THE AUDITOR GENERAL AND THE AUDITOR CONTRACTED TO CONDUCT THE AUDIT
44 INFORMATION NECESSARY TO CONDUCT AND COMPLETE THE AUDIT IN A TIMELY MANNER.

1 E. WITHIN FORTY-FIVE DAYS AFTER THE AUDIT IS RELEASED, THE BOARD OF
2 DIRECTORS SHALL:

3 1. HOLD A PUBLIC HEARING ON THE AUDIT'S FINDINGS AND RECOMMENDATIONS
4 AND ALLOW ANY PERSON TO MAKE OR SUBMIT ORAL OR WRITTEN COMMENTS ON THE AUDIT.

5 2. BY MAJORITY VOTE ADOPT A PUBLIC RESPONSE AGREEING, AGREEING WITH
6 RESERVATIONS OR DISAGREEING WITH EACH FINDING AND RECOMMENDATION IN THE
7 AUDIT.

8 F. THE AUDITOR GENERAL SHALL DISTRIBUTE COPIES OF THE AUDIT AND THE
9 BOARD OF DIRECTOR'S RESPONSE TO:

10 1. THE MAYOR AND GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE
11 DISTRICT IS LOCATED.

12 2. THE GOVERNOR.

13 3. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
14 REPRESENTATIVES.

15 4. THE DEPARTMENT OF REVENUE AND THE STATE TREASURER.

16 5. THE SECRETARY OF STATE.

17 6. ANY OTHER PERSON WHO REQUESTS A COPY OF THE AUDIT.

18 G. THE COST INCURRED BY THE AUDITOR GENERAL IN CONTRACTING WITH
19 INDEPENDENT AUDITORS UNDER THIS SECTION IS AN OPERATING EXPENSE OF THE
20 DISTRICT AND SHALL BE PAID FROM REVENUES PAYABLE TO THE DISTRICT PURSUANT TO
21 SECTION 42-5031. THE AUDITOR GENERAL SHALL DEPOSIT THE PAYMENTS IN THE AUDIT
22 SERVICES REVOLVING FUND ESTABLISHED BY SECTION 41-1279.06.

23 H. AT THE REQUEST OF THE CHAIRPERSON OF THE JOINT COMMITTEE ON CAPITAL
24 REVIEW, THE EXECUTIVE DIRECTOR OR A REPRESENTATIVE OF THE BOARD OF DIRECTORS
25 SHALL APPEAR BEFORE THE JOINT COMMITTEE ON CAPITAL REVIEW TO REPORT ON ANY
26 ASPECT OF THE DISTRICT'S OPERATION, INCLUDING THE ACTIVITIES AND FINANCIAL
27 PERFORMANCE OF THE DISTRICT DURING THE PREVIOUS FISCAL YEAR, THE DISTRICT'S
28 PLANS FOR CAPITAL IMPROVEMENTS AND INVESTMENT AND THE DISTRICT'S RESPONSE TO
29 THE AUDIT CONDUCTED UNDER THIS SECTION.

30 48-4231.02. Financial reports; database of expenditures

31 A. EACH DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B
32 SHALL MAINTAIN ON ITS OFFICIAL WEBSITE A DATABASE OF EXPENDITURES MADE BY THE
33 DISTRICT. THE DATABASE SHALL ALLOW USERS TO:

34 1. SEARCH AND AGGREGATE PAYMENTS BY PAYEE.

35 2. SEARCH AND AGGREGATE PAYMENTS BY PROJECT.

36 3. SEARCH AND AGGREGATE PAYMENTS BY YEAR.

37 4. SEARCH AND AGGREGATE ALL PAYMENTS MADE BY THE DISTRICT.

38 5. DOWNLOAD INFORMATION YIELDED BY A USER QUERY.

39 B. EACH EXPENDITURE LISTING CONTAINED IN THE DATABASE SHALL INCLUDE:

40 1. THE DATE AND AMOUNT OF EACH PAYMENT.

41 2. THE NAME OF THE PAYEE.

42 3. THE PROJECT FOR WHICH THE PAYMENT WAS MADE.

43 4. THE PURPOSE FOR WHICH THE PAYMENT WAS MADE.

44 5. THE FUND OR BUDGET ACCOUNT FROM WHICH THE PAYMENT WAS MADE.

1 C. EACH DISTRICT ESTABLISHED PURSUANT TO SECTION 48-4202, SUBSECTION B
2 SHALL MAINTAIN ON ITS OFFICIAL WEBSITE THE ANNUAL FINANCIAL REPORTS OF THE
3 DISTRICT AND A LISTING AND THE SUM OF THE PAYMENTS MADE TO THE DISTRICT
4 PURSUANT TO SECTION 42-5031.

5 Sec. 20. Repeal

6 Laws 2008, chapter 291, section 12 is repealed.

7 Sec. 21. Department of insurance; fee and assessment adjustment
8 suspension; retroactivity

9 A. Notwithstanding section 20-167, subsection F, Arizona Revised
10 Statutes, and section 20-466, subsection J, Arizona Revised Statutes, the
11 director of insurance shall not revise fees or assessments in fiscal year
12 2009-2010 for the purpose of meeting the requirement to recover at least
13 ninety-five per cent but not more than one hundred ten per cent of the
14 department of insurance's appropriated budget.

15 B. This section is effective retroactively to from and after November
16 30, 2009.

17 Sec. 22. Arizona state lottery proceeds; transfer

18 Notwithstanding section 5-522, Arizona Revised Statutes, as amended by
19 this act, the following amounts of state lottery revenues are transferred to
20 the state general fund before any other lottery distribution to the following
21 funds:

22 1. The county assistance fund established by section 41-175, Arizona
23 Revised Statutes: \$765,000

24 2. The local transportation assistance fund pursuant to section
25 28-8101, subsection D, Arizona Revised Statutes: \$2,300,000

26 3. The local transportation assistance fund pursuant to section
27 28-8101, subsection E, Arizona Revised Statutes: \$990,000

28 Sec. 23. Agricultural fees; increases; appropriation; exemption
29 from rule making

30 A. Notwithstanding any other law, the director of the Arizona
31 department of agriculture, with the assistance of the agriculture advisory
32 council, may increase or decrease fees in fiscal year 2009-2010 for services
33 provided in fiscal year 2009-2010.

34 B. Notwithstanding any other law, if a fee is increased pursuant to
35 subsection A of this section after the fee has been collected in fiscal year
36 2009-2010, the director of the Arizona department of agriculture shall
37 collect the difference between the amount of the new fee and the amount of
38 the fee that was collected from the person or entity that paid the original
39 fee. This amount shall be collected before June 30, 2010.

40 C. It is the intent of the legislature that the additional revenue
41 generated by the fee increases pursuant to subsection A shall not exceed
42 \$561,000.

43 D. Monies received from fees pursuant to the section are appropriated
44 to the Arizona department of agriculture.

1 E. The Arizona department of agriculture is exempt from the rule
2 making requirements of title 41, chapter 6, Arizona Revised Statutes, for the
3 purpose of establishing fees under this section until July 1, 2010.

4 Sec. 24. Registrar of contractors; residential contractors'
5 recovery fund; contracted services, equipment and
6 operational costs; fiscal year 2009-2010

7 Notwithstanding section 32-1134, subsection A, paragraph 5, Arizona
8 Revised Statutes, the registrar of contractors shall employ or contract with
9 individuals and procure equipment and operational support, to be paid from or
10 purchased with monies in the residential contractors' recovery fund, but not
11 to exceed in fiscal year 2009-2010 fourteen per cent of the total amount
12 deposited in the fund in fiscal year 2008-2009, as may be necessary to
13 monitor, process or oppose claims filed by injured persons that may result in
14 collection from the fund.

15 Sec. 25. Web portal fees; deposit

16 Notwithstanding section 41-3506, Arizona Revised Statutes, as amended
17 by this act, in fiscal year 2009-2010 the amount of web portal fees not
18 deposited in the state web portal fund for the contractor's price of
19 maintaining and operating the web portal shall not exceed \$3,000,000.

20 Sec. 26. County transfers; fiscal year 2009-2010; county
21 expenditure limitations

22 A. Notwithstanding any other law, in fiscal year 2009-2010, each
23 county with a population of two million or more persons shall transfer
24 \$19,014,600 and each county with a population of more than eight hundred
25 thousand persons but less than two million persons shall transfer \$2,985,400
26 to the state treasurer for deposit in the state general fund.

27 B. Notwithstanding any other law, a county may meet any statutory
28 funding requirements of this section from any source of county revenue
29 designated by the county, including funds of any countywide special taxing
30 district in which the board of supervisors serves as the board of directors.

31 C. Contributions made pursuant to this section are excluded from the
32 county expenditure limitations.

33 Sec. 27. Fees for providing services; increases; fiscal year
34 2009-2010; intent; appropriations; exemption from
35 rule making; retroactivity

36 A. Notwithstanding any other law, except as provided in subsection D,
37 the director of each of the following agencies may raise fees in fiscal year
38 2009-2010 for services it provides in fiscal year 2009-2010:

- 39 1. Department of health services.
- 40 2. Radiation regulatory agency.
- 41 3. State land department.

1 B. It is the intent of the legislature that the additional revenue
2 generated by the fee increases shall not exceed the amounts listed below:

- 3 1. Department of health services \$600,000.
4 2. Radiation regulatory agency \$500,000.
5 3. State land department \$600,000.

6 C. Monies generated from any fees raised pursuant to subsection A are
7 appropriated to the respective agencies.

8 D. The state land department may not increase a fee pursuant to
9 subsection A for a recreational permit issued by the department.

10 E. The agencies described in subsection A are exempt from the rule
11 making requirements of title 41, chapter 6, Arizona Revised Statutes, for the
12 purpose of raising fees pursuant to this section until July 1, 2010.

13 F. This section is effective retroactively to from and after June 30,
14 2009.

15 Sec. 28. Office of pest management; fees for providing
16 services; increase; fiscal year 2009-2010; intent;
17 appropriation; exemption from rule making;
18 retroactivity

19 A. Notwithstanding any other law, the director of the office of pest
20 management may raise fees in fiscal year 2009-2010 for services provided by
21 the board in fiscal year 2009-2010.

22 B. It is the intent of the legislature that the additional revenue
23 generated by the fee increases in subsection A shall not exceed \$875,000.

24 C. Monies generated from any fees raised pursuant to subsection A are
25 appropriated to the office of pest management.

26 D. The office is exempt from the rule making requirements of title 41,
27 chapter 6, Arizona Revised Statutes, for the purpose of raising fees pursuant
28 to this section until July 1, 2010.

29 E. This section is effective retroactively to from and after November
30 30, 2009.

31 Sec. 29. Department of transportation; vehicle license tax;
32 transfer

33 Notwithstanding any other law, the difference between the actual amount
34 of vehicle license tax revenue collected in fiscal year 2009-2010 as a result
35 of a five-year registration period and the amount that would have been
36 collected in fiscal year 2009-2010 if those same vehicles had been registered
37 for a two-year vehicle registration period authorized pursuant to section
38 28-2159, Arizona Revised Statutes, for distribution to the state highway fund
39 pursuant to section 28-6538, subsection A, paragraph 1, Arizona Revised
40 Statutes, shall be deposited in the state general fund.

41 Sec. 30. Securities salesman and dealer fees; intent; rule
42 making; exemption; continuing fee authority

43 A. Notwithstanding section 44-1861, subsections A and D, Arizona
44 Revised Statutes, as amended by this act, before December 31, 2010, the
45 Arizona corporation commission may establish by order the annual registration

1 fees for securities dealers and salesmen, as defined in section 44-1801,
2 Arizona Revised Statutes, and the salesman transfer fee. It is the intent of
3 the legislature that the additional revenue generated by these fees be
4 \$800,000. The commission is exempt from the rule making requirements of
5 title 41, chapter 6, Arizona Revised Statutes, for the purposes of setting
6 each of the specified fees by order one time.

7 B. Notwithstanding any other law, beginning on the effective date of
8 this act through December 31, 2010, the commission has continuing authority
9 to collect the following fees:

10 1. The annual fee for the registration for each securities dealer,
11 three hundred dollars.

12 2. The annual fee for the registration for each securities salesman,
13 forty dollars.

14 3. The transfer fee for a securities salesman transferring the
15 salesman's registration from one registered dealer to another registered
16 dealer, forty dollars.

17 Sec. 31. Business reengineering/integrated tax system;
18 operational support changes

19 A. Notwithstanding any other law, before executing any extension or
20 modification of the current business reengineering/integrated tax system
21 contract with a fiscal impact that increases the contractor's share of
22 gain-sharing proceeds from state revenues during fiscal year 2009-2010, the
23 department of revenue shall submit the proposed changes to the joint
24 legislative budget committee for its review.

25 B. Notwithstanding any other law, the department of revenue may use up
26 to \$2,000,000 of state general fund revenue deposits in fiscal year 2009-2010
27 to pay business reengineering/integrated tax system operational support costs
28 after review of an expenditure plan by the joint legislative budget
29 committee.

30 Sec. 32. Department of revenue; unclaimed property auditors;
31 appropriation

32 Notwithstanding any other law, including section 44-313, Arizona
33 Revised Statutes, as amended by this act, if 12.5 per cent of the dollar
34 value of the properties recovered by unclaimed property contract auditors
35 exceeds \$1,770,000 in fiscal year 2009-2010, the excess amount shall be
36 transferred from the state general fund to the department of revenue
37 administrative fund and appropriated from the department of revenue
38 administrative fund to the department of revenue for unclaimed property
39 contract auditor fees.

40 Sec. 33. Unclaimed property; notification; filing

41 A. For the purposes of implementing section 44-302, Arizona Revised
42 Statutes, as amended by this act, in addition to the requirements of section
43 44-307, subsections D and E, Arizona Revised Statutes, the holder of property
44 that is presumed abandoned:

1 1. Shall file the report prescribed in section 44-307, Arizona Revised
2 Statutes, before June 1, 2010 and the report shall cover the last twelve
3 months before July 1, 2009.

4 2. Prior to ninety days before the holder of property that is presumed
5 abandoned files the report prescribed in this section and section 44-307,
6 Arizona Revised Statutes, shall send a written notice to the apparent owner
7 consistent with the requirements of section 44-307, subsection E, Arizona
8 Revised Statutes.

9 B. Notwithstanding section 44-307, subsection F, Arizona Revised
10 Statutes, for the purposes of implementing section 44-302, Arizona Revised
11 Statutes, as amended by this act, the department of revenue may not grant any
12 extensions as authorized in section 44-307, subsection F, Arizona Revised
13 Statutes.

14 Sec. 34. Use of risk management revolving fund

15 In addition to the purposes specified in section 41-622, Arizona
16 Revised Statutes, the risk management revolving fund may be used in fiscal
17 year 2009-2010 to allow the commerce and economic development commission to
18 pay one-time unpaid obligations totaling \$18,474,923 relating to the Arizona
19 twenty-first century competitive initiative fund.

20 Sec. 35. Arizona twenty-first century competitive initiative
21 fund; appropriation

22 The sum of \$18,474,923 is appropriated from the risk management
23 revolving fund established by section 41-622, Arizona Revised Statutes, in
24 fiscal year 2009-2010 for deposit in the Arizona twenty-first century
25 competitive initiative fund established by section 41-1505.09, Arizona
26 Revised Statutes, and the same amount is appropriated from the Arizona
27 twenty-first century competitive initiative fund to the commerce and economic
28 development commission in the department of commerce for the payment of
29 unpaid prior year obligations.

30 Sec. 36. Incumbent members of board of directors

31 Notwithstanding section 48-4202, subsection D, Arizona Revised
32 Statutes, as amended by this act, incumbent members of a board of directors
33 of a county stadium district organized pursuant to section 48-4202,
34 subsection B, Arizona Revised Statutes, may continue to serve on the board
35 for the remainder of their appointive terms, together with the new members
36 appointed by the governor, president of the senate and speaker of the house
37 of representatives as provided by this act.

38 Sec. 37. Conforming changes

39 The Arizona legislative council staff shall prepare proposed
40 legislation conforming the Arizona Revised Statutes to the provisions of this
41 act for consideration in the forty-ninth legislature, second regular session.

1 Sec. 38. Retroactivity

2 Sections 10-122, 10-122.01, 44-313, 48-4203 and 48-4204, Arizona
3 Revised Statutes, as amended by this act, and section 31 of this act,
4 relating to the business reengineering/integrated tax system, apply
5 retroactively to from and after June 30, 2009.

6 Sec. 39. Emergency

7 This act is an emergency measure that is necessary to preserve the
8 public peace, health or safety and is operative immediately as provided by
9 law.

APPROVED BY THE GOVERNOR NOVEMBER 23, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE NOVEMBER 23, 2009.